Insty-
tutions or / princi-
pall groundes of the
lawes and statutes of En-
glande, newly and very
truly corrected and a
mended with ma-
ny newe and
goodly
additions, very profy-
table for all sortes of
people to knowe,
lately augmen-
ted and im-
prynted.

☞ The prologe of the aucthour to the reader.

DEmosthenes the renowmed Orator defyneth lawe in thiswyse. The lawe (sayth he) is the thynge that al men ought to obey for many thynges, but in specyally bycause lawe is the inuencyon, and also the gyfte of God, the decrees of prudent men, the chastysement of wylfull, and vnwylful offēces, & fynallye the cōmon suretye of a Realme, wherby it becommeth all men to lyue, which be conuersaunt in the same. Chrysyppus also, an excellent phylosopher, thus begynneth his boke of lawes.

¶ The lawe is kynge of all, aswell diuine as humayne affayres, the president and cōptroller of thinges honest, and dyshonest, the Prynce, Captayn, and ruler, of the iuste, and iniust, and it is of Ciuile creatoures, aswell the commaunder, what they ought to do, as the forbydder, what they ought nat to do. These auncyent sayenges of wyse men, assuredly ought muche to inflame vs to the knowlege of those thinges without which we shalbe estemed no men, but as brute and sauage beastes. Let vs nat commytte, that it be sayde of vs Englysshemen, as it was ones sayde of the men of Athens, that is, that we make verye goodly and profytable lawes, but we vse thē nat. Certaynly there can be no greater reproche to a common weale thē

this. One lesson I wolde we learned of the ancyent lawyer Romayne named Celsus, & that is this. The knowledge of lawes is nat to here awaye the wordes but the pyth and power of them. Thys he wrote bycause there be many which whē good and holsome lawes be made, seke nat to se them executed, and obserued, but rather howe to defraude thē and to haue them vnexecuted, which kynde of people after ꝑ sentence of moste ancyent lawmakers be no lesse worthy of reprehensyon than they which do expressely agaynst the lawe. Nowe, they do (saye they) agaynst the lawe, whiche do the thynge, ꝑ the lawe forbydeth. And they defraude a lawe or statute, which the wordes of the lawe saued, do circumuent the meanynge and sentence of it. Let vs then so reade the lawes, that we may beare awaye the sentence and mynde of them, and so fulfyll and obserue the lawes, that it may appere that they were nat made in vayne.

Thus doynge, we shall please God, we shall be obedyēt subiectes to our prynce and fynally we shall seke our owne weale and sauety.

John Chibnie's book

What is lawe.

The lawe is the dyrec-cyon & ministration of Justice And iustice is (as themperour Justinian sayth in hys Instytucyons) a constant and permanente wyll to render vnto euery person his ryght & duty

☞ The learnynge or prudence of lawe, is a knowlege of diuine & humane thinges a science and perfite notyce of equitye and iniquytie, of ryght and wronge.

☞ Nowe for almuche as a great porcion of the prudence of scyence of the lawes of this realme of Englãde cõsisteth in the perfyte knowlege of estates, whiche men haue in landes and tenemẽtes: we shal fyrst as compẽdiously, and as symply and playnly as we can, treate some what of estates.

¶ A diuision of estates.

E shal therfor vnderstande, that whosoeuer hathe any state in landes or tenemen tes, eyther he hath in the same onely a chatell, or a holde, or inherytaunce. Yf he hathe an estate but for terme of certaynne yeres, or at his lanlordes wyll, so it is called a chatell, yf for terme of his lyfe or of another mans lyfe, it is called a freholde. And if he hath it to him and to his heyres in fee symple, or in tayle: then he hath a state of enherytaunce.

Chatell.

Frehold.

Inherytaunce.

¶ Tenante for terme of yeres.

Tenaunt for yeres.

Tenaut for terme of yeres, is he to whō landes or tenementes be lette for terme of certaine yeres, as is agreed betwene the landlorde and the tenaunt. And when the person to whom such lease is made doth entre by force of the sayde lease, and is in possessyon of the same: then he is called tenaunt for terme of yeres.

Rent reserued.

¶ And here ye shall note, that yf the lessour, ꝑ made the lease hathe reserued vnto him a yerely rent vpon the sayde lease (as it is accustomably vsed to be done) yf the rent be behynde vnpayde, it shalbe in his electyon eyther to entre & dystrayne for the rent, or to bryng an accyon of Dette against him at the lawe for ꝑ arrerages of ꝑ same. But in this case it is requisite, that the lessoure were seased of the landes or tenementes at the tyme of the makynge of the lease for otherwyse it shalbe a good plee in the actiō of Dette for the tenaunt to say, that the lessour had nothynge in the lande and tenement at the tyme of the lease made: excepte the lease were made by dede endented, for then the plee shall nat lye in the tenauntes mouth to plede.

Accion of Dette.

A good plee.

☞ And it is to be knowen, that in a lease for terme of yeres, whether it be by dede or without dede, there nede no lyuery of seasō to be made to ꝑ lease, but he may entre when he wyl by vertue of his lease, without any further ceremony of the lawe.

Lyuery of seasō nede nat in lease for terme of yeres.

¶ Also yf a man lesseth landes for terme of yeres, though the lessour chaunceth to dye before the leasse with ētre, yet he may ētre wel ynough Otherwyse it is where lyuery of seasō is to be made, as in free holdes and inheryteaunce.

Also

¶ Also yf the tenaunt for yeres doth wast, the ladlorde may bryng an accyon of wast against him, and shal recouer the place wasted, and his treble damages. Waste.

¶ Also yf a lease for yeres be made of .ii. seuerall thynges, and after the one is recouered the lesse shal holde the other, and the rent or terme shalbe apportioned. M.12.H.8.

¶ Also yf the tenaũt for yeres graũteth a greater estate in the lande, than he hathe him selfe, wherby he cõueyeth the fee symple to him selfe he shall forfayte his lease or terme. Forfayture.

¶ Tenant at wyll.

TEnaunt at wyll is he to whome landes or tenementes be lessed to haue & holde the same at the wyll of the lessour. And in this case the lessour may put out his tenaũt at what tyme hym lysteth. But yet neuertheless, yf the tenaunt haue sowed the grounde with corne, in this case yf the lessour wyl entre and put out his tenaunt before Harueste, the lawe wyll gyue him free cõmynge and goynge to reape and cary his corne awaye without any punyshemẽt or dammages to be sustayned for his so doyng bycause he knew nat at what tyme the lessour wolde entre. But otherwyse it is of the tenaunt for certayne yeres, for yf he soweth the groũde, and the terme of the lease be come out & expyred before ỹ corne be rype, in this case ỹ lessour or he in the reuersion may entre & take the corne, bycause it was the folye of the tenaunt to sowe the grounde, knowynge the ende of his terme.

¶ In lykewyse tenaunt at wyl shal haue free

tõmynge and goynge after the tyme of the lessours entree, to cary away his housholde stuffe and goodes for a reasonable space.

¶ Ye shall also vnderstãde, that he ꝑ maketh a lease at wyll, may reserue an annuell or yerely rent, in whiche case yf the rent be behynde, he may entre very wel and dystraine ꝑ goodes and catelles of the tenant, or at his elecciõn he may bryng an accyon of Dette agaynste him.

Dystres or els accyon of Dette.

¶ Also it is to be knowen, that tenaunt at wyll of a mese or tenaunt is nat bounde by the ordre of the lawe to sustayne and repayre the houses that be decayed and ruynouse, as is the tenaũt for yeres, and therfore none accyon of Waste lyeth agaynst him. Yet yf he do wylful waste: as yf he plucketh downe the houses, or cutteth downe the trees: it hath ben thought by the sages of the lawe, that the lessour may bryng an accyon of Trespas agaynst him and shal recouer his losses therby sustayned.

Waste.

Trespas

¶ And yf such a tenaunt dye and his heyre entre, in that case the lessour may haue an accion of Trespas agaynst the heyre.

☞ Tenaunt by copye of court rolle.

THere is another kynde of tenaũt at wyl whiche is called tenaunt by copy of the court rolles. And this is when a man is seased of a maner within whiche, it hath ben vsed tyme out of mynde, that the tenauntes within the boundes & precincte of the sayd maner, haue holden lãdes and tenementes to them and to theyr heyres in fee symple, fee tayle, or for terme of lyfe. at the wyll of the lorde accordynge to the custome of the maner. And such a tenaunt,

tenaunt, can nat alyene or ſell his lande by hys dede, for yf he do, the lande or tenement that is ſo alyened and ſolde, is forfayte into the lordes handes, but yf he wyll alyene hys copy holde lande to another, he muſt accordynge to the cuſtome, come into the lordes court, and there ſurrendre it in to the lordes hande, to the behouſe and vſe of him that ſhall haue the ſtate. The forme of whiche ſurrender is comenly vſed to be this. Surrendre.

☞ Ad hanc curiam venit A. de B. et ſurſum reddidit in eadem curia vnū meſuagium, &c. in manus dñi ad vſum C. de D. et heredū ſuorum vel heredum de corpore. &c. Et ſuper hoc venit prędictus C. de. D. et cepit de dño in eadem curia meſuagium prędectum, habendum et tenendum ſibi. &c. ad voluntatem dñi ſecundum conſuetudinē manerii, faciend inde redditus, ſeruitia, et cōſuetudines inde prius debitas et cōſuetas. &c. Et dat domino pro fine. &c. Et fecit domino fidelitatem. The forme of ſurrender.

¶ Theſe as I ſayde be called tenaūtes by copie of court rolle, becauſe they haue none other euydence to ſhewe cōcernynge theyr lādes, ſaue only ꝑ copies of ꝑ rolles of theyr lordes court.

¶ Neyther can theſe tenauntes ſue or be ſued for ſuche landes, in the kynges court, de vitt, or otherwyſe, but yf they wyll in any wyſe implede or ſue others for ſuche copie landes, they muſt do it by way of playnt in the lordes court after this forte.

☞ A. de B. queritur verſus C. de D. de placito terre, videlicet de vno meſuagio, xl. acris terre. iiii. acris prati. &c. cum pertineñ. Et facit prōteſtationem ſequi querelam iſtā in natura The forme of the playnt.

breuis dñi regis assise mozꝛ antecessozis ad cõ
munẽ legẽ vel &c. plegii de ꝓsequẽdo. F. G. &c.

¶ Nowe although some such tenaũtes haue an inheritaunce accozdinge to the custome of ꝑ maner, yet in very dede they are but tenauntes at the wyll of the lozde. Foz as some mẽ thynke yf the lozde wyll expell them and put thẽ fozth, they haue no remedye at all, but to sue vnto theyꝛ lozde by way of petition, desyrynge hym to be good and gracyous lozde vnto them. Foz yf they myght haue any remedye by the lawe then shulde they nat be called (saye they) tenaũtes at the wyll of the lozde after the custome of the maner. But other men of no-lesse learnynge and ꝓudence haue bene of contrarye sentence: as lozde Bryan chiefe iustice, in ꝑ tyme of kyng Edwarde the iiii. whose opinion was alwaies that yf suche tenaunt by the custome (payenge hys serupces) be elected and put fozthe by hys lozde without cause reasonable, he may very wel bꝛynge & maynteine an action of Trespas agaynst his lozde at the cõmon lawe: as appeareth termino Hylarii anno. xxi. E. iiii. Also lozde Danby chiefe Iustice in lykewyse, was of the same iugement: as appeareth termino. Mi. an. vii. E. iiii. where he sayeth, that the tenaunt by the custome is as well inheryptable to haue hys lande after the custome, as is he that hathe a free holde at the common lawe, but the determination of this question I remyt to my great maysters, which can solue the knottes and enigmaes of the lawe.

Actions of Trespas

¶ Foz almuch as yet styl of this matter, Cauſidici certant & adhuc sub iudice lis est

¶ Also ye shall vnderstande, that the vsage of some

tome manours is, when the tenaunt wyll surrē-
der is lande to the vse of another, that he shall
take a wande or rod in his hande; and delyuer
it to the stewarde of the court, and the stewarde
shall delyuer the same wande in name of seisin
to hym that shall take the lande: and suche a
tenaunt is called, tenaūt by the verge. Dyuers
other customes there be of surrēdryng of copy
holde landes, whiche here for tedyousnesse I
wyll omytte And forasmuche as tenauntes by
custome of the Manour, haue by the course of
the comon lawe no free holde: therfore they be
called tenauntes of base tenure.

¶ Also yf suche a tenaunt letteth to ferme his coppe holde lāde, for lenger tyme then a twelfe mouneth and a day without the lordes lycence it is a forfayture of his lande to the lorde. Base tenure.

¶ And knowe ye that yf this tenaunt fell any tymber, that groweth vpon the lande but onely for the reperacyon of the same, this is waste and a forfayture of his copy holde.

¶ Hytherto haue I treated of the fyrst membre of our deuision, that is to wyt, of chatelles, for as I sayde, al leases for terme of yeres, and at wyll be accōpted in the lawe but as chatelles and be cōprysed vnder that name saue that they be called cattelles reals, where as kyne, oxen, horses, money, plate, corne, and suche lyke be called chatel personalles Chatelle real and personel.

Nowe we wyll procede to the explanicion of the seconde membre that is to saye, of free holdes.

Free

A diuision of free holdes.

FRee holdes or franke tenementes a man may haue in sondry wyses, for eyther he is seased for terme of his owne lyfe, or for terme of anothermans lyfe. Yf he be seased for terme of his owe lyfe, eyther he hathe gotten such estate by way of purchase, or els the lawe hathe intyteled him therunto. I call it by purchase, whether he cōmeth vnto it by hys owne bargaynynge and procurement, or by the gyfte of his frynde, and I call it by the operacyon and intytelynge of the lawe, when a man marryeth a woman that is an inherytres, and hath yssue by her, and she dyeth, nowe shall he haue the landes durynge hys lyfe, by the course of the lawe, and shalbe called tenaunt by the curtesye of Englande.

Tenaunt by ꝑ curtesye.

¶ In lykewyse, yf a man be seased in fee symple or fee tayle of landes, and taketh a wyfe, and he dyeth, the lawe gyueth vnto the wyfe the thyrde parte of our husbandes landes, for terme of her lyfe, and she shalbe called tenaunt in dower.

Tenaunt in dower

¶ Tenaunt for terme of lyfe.

TEnaunt for terme of lyfe, is he that holdeth landes or tenemētes for terme of his owne lyfe, or for terme of anothers lyfe Howe be it the most frequent, and cōmon maner of speakyng, is to call him that hath estate for terme of his owne lyfe, tenaunt for lyfe, and him ꝑ hathe estate for terme of anothers lyfe, tenaunt pour terme dauter vie, that is to saye, tenaunt, for terme of anothers lyfe.

¶ Ye shall note, that lyke as he that maketh the leale is called the lessour, and he to whome the

the leale is made, is called the lessee, so he that maketh a feffement is called the feoffoure, & he to whom the feffement is made the, feffee.

¶ Also yt tenaũt for terme of lyfe, or tenaunt for terme of another mans lyfe do waste, the lessour or he in ỹ reuerſion shal mayntayn very well an accyon of Waſt agaynſt him, and shal by the ſame recouer treble damages. Waſt.

¶ Fynally, ye shal vnderſtande that by an acte of Parlyament made in the .xxvii. yere of oure Actn. 27. coueraygne lorde that nowe is, kynge Henry ỹ H. 8. eyght, it is enacted that no free holde, nor eſtate of in heritaũce shal paſſe nor take effecte by reaſon of any bergayne and ſale, except that ſame be made by wrytynge indented, ſealed, and enrolled, in one of the kynges maieſtyes courtes at Weſtm, or elſe wythin the ſame coũty where the lande doth lye, before the cuſtos Rotulorũ, and .ii. Juſtyces of peace and the clerke of the peace of the ſame countye, or two of them at leaſt, of whiche the ſayde clarke shalbe one, and that ſuch inrollement be made within fyxe monethes after the date of ſuche wrytynge. And for the enrollement of euery ſuche wrytynge, where the lande compryſed therin is nat aboue the yerely value of fortye ſhyllynges, they shall take two ſhillinges that is, twelue pence to the Juſtices, and .xii. pẽce to the clerke. And yf the lãde be aboue the yerely value of .xl. ſ. thẽ they ſhall take .v. ſ. that is .ii. ſ. and .vi. d. to the Juſtyces, and .ii. ſ. and .vi. d. to the clerke, whiche ſhall enrolle and ingroſſe ſuffyciently in parchement ſuche dedes and wrytynges, and at euery yeres ende he ſhal delyuer the ſame to the Cuſtos rotulorum of the ſame countie, to remayne

in

in his cuſtody amõge other recoꝛdes of ꝑ ſame countye, ſo that the partyes reſoꝛtynge thyther may ſe them. Pꝛouyded, that this extende nat to any tenemẽtes oꝛ hereditamẽtes lyenge within any cytie oꝛ towne coꝛpoꝛate wherin ꝑ Maires, Recoꝛders, oꝛ other offycers haue auctholꝛyti e, oꝛ haue lawfully vſed to enrolle any cuydences oꝛ wꝛyttynges within theyꝛ pꝛecyncte.

¶ Tenaunt by the curteſy.

TEnaunt by the curteſy of Englande is he that hath maryed a wyfe inherytꝛd, & hath had yſſue by her, & ſhe is deade, in this caſe the lawe of Englãde ymytteth and ſuffreth the huſbande of ſuch wyfe to ꝛꝛcepue and kepe ſtyll all his wyues lande that ſhe had eyther in fee ſymple, oꝛ fee tayle ſo longe as he lyueth. And this is by the curteſy and vſanitie of Englonde, foꝛ this thinge is vſed in none oꝛther countrey noꝛ regyon.

¶ But in this caſe it is requyꝛed ꝑ the chylde be vytall, that is to ſaye, be boꝛne and bꝛought foꝛth into this woꝛlde alyue, & therfoꝛe the cõmon ſayeng is, & hath ben, that onles ꝑ chylde be harde cꝛye, the father ſhal nat be tenaunt by the curteſye, foꝛ the onely pꝛoue and argument of lyfe in an infant boꝛne is ꝑ vagite & cryeng.

¶ Ye ſhal furthermoꝛe vnderſtande, ꝑ onleſſe the huſbande be in actuall and reall poſſeſſyon of his wyues landes, and ſeaſed of them in her ryght, he ſhall nat be tenaunt by the curteſye after her death. And therfoꝛe yf landes diſcẽde to a mans wyfe, ſo that ſhe is tenaunt in the lawe, and to euery mans action, yet yf the huſbande haue nat made an actual entre durynge

couerture and matrymony betwene the, he shal nat be tenaunt by curtelye, for it shall be reputed and iudged his foly and necligence that he wolde nat entre in her lyfe tyme.

¶ Otherwyse it is of aduoulõs, rẽtes, comõs and such other thinges, which forthwith, whẽ they discende, be in a man or woman without any entre or further ceremony of lawe.

☞ Note that yf tenaunte by the curtelye of Englande wyll suffre or make any wast in the landes or tenementes that he so holdeth, he is punyshable therfore, by acciõ of wast brought by him in the reuersyon. Waste.

¶ Also it is to be knowen, that of thinges that ben in suspence, a man shall nat be tenaũt by ỹ curtesie, and therfore yf a man be tenaũt in fee symple of certayne lande, and doth entermary with a woman that is the seignoresse or ladye of the same and hath yssue by her, & she dyeth, yet shal he nat be tenaunt by the curtelye of the lordshyppe or seygnory, bycause him selfe is tenaunt of the lande, and therfore the lordshyppe is suspended for the tyme, for a man can nat be both lorde and tenaunt of one thinge, but yf he had nat ben tenaũt of the lande he shulde haue had the lordshyp after the death of his wyfe by the curtelye of Englande very well.

¶ Also note that of a ryght onely a man shall nat be tenaunt by the curtelye, as yf a woman sole seased in fee of lande or tenemẽtes, be dysseysed, and after take a husbãde, and they haue yssue, and she dye before any reentre made, the husbande shall nat be tenaunt by the curtelye. Note.

¶ Note further ỹ of a reuersyon, a man shall nat be tenaunt by the curtelye, as yf a woman Note.

sole

sole seysed of lāde in fee, make a lease to .S. for terme of lyfe, after taketh a husbande and they hath issue & the dye, lyuyng the lease for terme of lyfe, the husbande shal nat be tenaunt by the courtesye.

¶ Of tenaunt in dower.

Dower at the cōmō lawe.

TEnaunt in dower, is she that hath bene maryed to an husbande þ was duryng the matrymony, betwene thē, seased of landes or tenementes in fee symple, or fee tayle which is nowe deade and she seysed of þ thyrd parte of her husbandes sayde landes for terme of her lyfe. For by the cōmon lawe of the lāde yf the husbāde be at any tyme duryng þ couerture seased lawfully whether it be by purchase or by dyscent, eyther in fee, or in tayle, and dye, his wyfe ought to be endowed by the course of the cōmon lawe of the thyrde fote. And in some

Dower by custōe

places by an aūcyent custōe she shalbe indowed of the moyte, yea & thoughe the husbande were neuer seased actually duryng thecouerture, yet yf the landes be cast vpon him by the lawe, so that þ lawe calleth him tenaunt to euery mans accyon, it suffyceth the woman to demaūde her dower, for it were vnreasonable, that the negligence and slacknes of entryng of the husbande shulde hurte the wyues tytle.

Tenaunt by þ curtesye.

¶ Otherwyse it is, as is sayd wfore, of tenaūt by the curtesye, for yf landes discēded to a woman couert and the husbande for slothfulnesse or negligence doth nat entre in his wyues lyfe he shal nat be tenaunt by the curtesye, for by al lawes þ wyfe oweth obedience and subiection

to

to her husbande and therfore she can nat cõpell him to entre, but when landes dyscented to the wyfe, the husbande onely hath power to entre at his pleasure.

☞ And ye shall vnderstande, that oneles the wyfe be passed the age of.ix. yeres at the tyme of her husbãdes death, she shal nat be endowed by the common lawe.

¶ But it is to be knowen that a woman may by dyuerse wayes estoppe and preiude her selfe of her dower: as yf she cõmyt any cryme, for which she is attayned of treason, murdre, or felony, she gette in this case no dower, nat wtstandynge she hath obtayned her pardone. A womã shal haue no dower

☞ Also yf after the death of her husbãde she taketh a lease for terme of lyfe, of ꝑ same lãdes wherof she is indowable, she loseth her dower of the same. Moreouer yf she departeth frõ her husbande and liueth in aduoutre with another man, and is nat reconciled agayne to her husbande wout coercio of the ecclesiastical power, she leseth her dower after her husbãdes death. She shalbe also barred of her dower if she wyl withholde from the heyre, the charters, and euidence, cõcerninge that lãde wherof she asketh dower: But none other, saue the heyre, can wtholde her dower for this cause.

¶ It ought nat to be vnknowen also of what thinges she may demaũde dower, and of what thinges nat. Of lãdes, messuages, aduoulsons, rent charges, rẽt seruyces, or sygnores ingrosse or other wyse, of vyllaynes, of cõmons certayne, of estouers certayne, of mylles, and offyces, or of the profyte of them, she is dowable. But of cõmons, and estouers sans nombre, also no dower

so of annuities, of homages, of thinges of plea sure, as of seruyce of paimēt of roses, and semblable, she shall nat be endowed.

¶ There be yet two other kyndes of dower the one is called dowment ex assensu patris, þ is to say, by thassent of the father, & the other is called dowmēt de la plus beale partie. That is to say, of the fayrest parte.

Dowment ex assensu patris.

¶ Dowment exassensu patris, is whan the father is seased of landes in fee simple, and his sone whiche is heyre apparaunt, endoweth his wyfe, at the churche doze: whā he is espoused of parcell of his fathers landes, with the assent of his father in wyttynge testifienge the same assente yf in this cale her husbāde dye, she may forth with entre into the lande, so assigned vn to her without further appoyntynge of proces of lawe, although the father of her sayde husbande be yet alyue and in actuall possession of the lande, But yf she thus do, and take her to this endowmēt at the churche doze: she can nat haue her dower also by the cōmon lawe of the thyrde parte of all her husbādes landes or any percell of them, howbeit yf she wyll refuse this assignement made vnto her at the churche doze, and demaunde dower at the common law, she may so do very well.

Dowment ad hostium ecclesie.

☞ A man may also endowe his wyfe at the tyme of thespousayles, of his owne landes, the which he hath in his owne possession, and that dower is called dower, ad hostium ecclesie that is to saye, at the churche doze.

Dowmēt de la plꝰ trale

¶ Dowment De la pluis trale, that is to say, dowmēt of the fayrest parte shalbe in this cale whā a mā is seased of lādes, which he holdeth of

of an other man by knyghtes seruyce, and of other landes whiche be of socage tenure, & hath issue, whiche is within the age of.xiiii. yeres & dye, and the Lorde of whom the lande is holde by knyghtes seruice, entreth into the lande holden of him, and the mother of the chylde entreth into the socage tenure as gardayne in socage, yf in this case the woman wyl bryng a writte of dower agaynst ỹ lorde which is a gardeyne in cheualrye, he may plede the specyal matter and shewe, how she as gardeyne in socage hathe so muche lande, and therupon pray the court that she maye be suffred to endowe her selfe of so muche lande, beynge in her owne custody, as amounteth to the thyrde part of the hole landes ¶ And then the iugement shalbe, that the gardeyne in chiualrye shal retayne the lande holde of him quyte from the woman durynge the nonage of the warde. After whiche iugemente and sentence gyuen, she maye go, and in presence of her neyghbours, and endowe her selfe of ỹ best part of that whiche is in her custody, amountynge to the thyrde part of the hole, and then is she called tenaunte in dower de la plus beale.

¶ Fynally ye shall vnderstande, that by a statute made in the.xxvii. yere of our most dreade souerayngne Lorde Kyng Henry the eyght, it is enacted, that where dyuerse persones haue estates made to them and to theyr wyues, and to the heyres of the husbande, or to the husbande and wyfe & the heyres of theyr two bodyes begotten, or the heyres of one of theyr bodyes, or for terme of both or one of theyr lyues, or to any other persõs and theyr heyres to the vse of the husbande & wyfe or to the wyfe alone, for

Anno. 27 Henri. 8. Capi. 10.

her ioynture: in euery such case the womā shall nat be suffred to demaunde any dowry of the residue of her husbandes landes by whom she hath her ioynter, agaynst any tenaunt of ꝑ lāde But in case she hath no suche ioynter: thē may she demaūde her dowry after the course of the cōmon lawe. Prouyded neuertheles, ꝑ yf such women be lawfully expulsed frō theyr ioynter or any parte therof without fraude or coyne: thē shall they be endowed of ꝑ residue of theyr husbandes lādes for as much as the lādes shall amoūt vnto, out of which they where so expulsed and put forth.

☞ Prouided also, that yf landes or tenemētes be assured to any womā after mariage for terme of lyfe or otherwyse in ioynture (except it be by acte of parliamente) and the wyfe ouer lyue her husbande in whose tyme the ioynture was made: in this case ꝑ wyfe may refuse ꝑ lāres so appointed vnto her in ioynture, and haue her dower at ꝑ cōmon law, of such lādes as her husbande was sealed of, at any tyme duryng the couerture.

¶ Also yf the husbande commytteth treason murdre, or felonye for whiche he is attayuted, the wyfe shall nat haue her dower.

¶ And note that yf the husbande entre into religion, and is professed, the heyre shall entre into the lande, but the wyfe getteth no dower tyll the husbande dyeth. M. 32. E. 2.

¶ And lykewise if a mā sealed of lādes taketh a wyfe that is an Alyen borne & dyeth, she shall nat be endowed, except she be made Denizyn by acte of pliamēt. E. 3. H. 6. And note that when the wyfe bryng a writte of dower, & recouere

her

her ryghte she shall recouer no damages, but where her husbande dyed seased of the landes recouered. Damages.

¶ A deuision of inheritaũce.

HEther I haue spoken of free holdes, nowe it remayneth to treate of inheryptaunces, nat that inheritaunces, be no free holdes, for they be free holdes also, but of the other estates of whith I haue hereto fore treated be onely fre holdes, & of no higher nature where as a state of iheritãce, although it be a fre holde in dede, yet it is nat to be called by name, syth it is after more excellent and greater estate. But ye shal vnderstande, that of inheritaunces some be of more amplytude and excellẽcy thẽ other some be, as that inheritaũce which is pure symple, and without symitacion of what heyres, whiche kynde of inheritaũce is called fee symple. But when I make a symptacyon of what heyres, then is it called fee tayle of which also be two sortes, as hereafter more at large shalbe declared. Nowe therfore the nature of fee simple is setforth with our accustomed cõpendiousnesse. Fee ciple

☞ Of fee symple.

FEe symple is (as I sayde) the most ample and large inheritaũce that can be in thys Realme diuysed or excogitate, as ỹ whiche a man hathe to him & to his heyres simple without any further symptacyon, for whether they be of his owne bodye begotten or nat, so that they be the next of his kynne, and within the degrees it sufficyeth.

¶ Who thẽ, tenaũt in fee symple is he that hath

lādes or tenemētes (whether it be by purchase or by discent) to him and to his heires or assignes for euer. For yf a man wyll purchase lādes in fee symple, he must nedes haue these wordes (his heyres) in his purchase, for these be ỹ onely wordes that make the estate of inheritaunce. Therfore yf landes be gyuen to a man for euer and no mencyon be made of his heyres: he hath an estate but for terme of his lyfe, because these wordes (his heyres) do lacke.

Deuise. ¶ Yet neuertheles, yf a man by hys testamēt doth deuise landes to an other in such place or case where the custome or lawe wyll serue so to do, thoughe he maketh no mencyon of heyres, but sayeth that he bequeatheth to suche a person suche landes, to haue and to holde to him and to his assignes for euermore: there a state of inheritaūce doth passe, for in testamentes ỹ wyll and intent of the testatoure is, to be ponndered, & nat the formal & prescripte wordes of ỹ law

¶ Also these termes in the law, franke marryage, and franke almoyne, ỹ is to say, free marryage and free almoyne do include in them wordes of inheritaunce.

¶ And therfore yf I gyue landes to a man wt my doughter in franke marryage without further addition or mencyon of heyres, this is an estate of inheritaunce, as he shall hereafter declare more plētyously. In lyke wyse it is of landes gyuen to an house ecclesiasticall in pure & franke almes. Moreouer yf landes be gyuen to a man and to his bloude, or vnto him & to hys sede, he hath in both cases a state of inheritaūce for in the laste he hath a fee tayle, and in the other a fee symple. For this worde sede, ỹ blode

Donū secundū & sāguinē suos quid sit,

and

and such lyke do imply the words of inheritaūce.

¶ After yᵗ landes be gyuen to a mā and to hys heyres males, or females, he hath by this gyfte a fe symple, bycause it is nat expressed of what body the issue shall come. T. 9. H. 6.

¶ But nowe it is to be sene who be layde a mans heyres in ꝑ lawe. Ye shal therfore know that my brother or syster by the halfe bloude, that is to wyte, by the fathers syde, and nat by the mothers, or contrarywyse by the mothers, and nat by ꝑ fathers, shall neuer be myne heyre nor none that come of them. The halfe bloude.

¶ Neyther my bastard can be myne heyre, nor myne owne naturall father nor mother nor grandfather, nor grandmother: can be myne heyre. For it is a principle and groūde of ꝑ law that inheritaunce maye lynyally discende, but ascende it may nat. And therfore yf I haue lādes in fee symple and dye without yssue of my bodye, my father can nat be myne heyre. but my fathers brother or syster shall, and then yf my vncle or aunt dye sealed without issue, my father shal haue the lādes as heyre to my vncle and nat as heyre to me, for that can nat be. But it may go from me to myne vncle or aunt well ynough, for that is nat called a lynyall ascension but a collaterall discent. A bastard shalbe no heyre. A groūde of the lawe.

¶ Also ye shall vnderstāde that lyniall discent is when the discente is conueyed in the same lyne of the hole bloude, as graūdfather, father and sonne, and so downe. And collateral discēt is out another, braunch, from aboue of the hole bloude, as the graundefathers brother or fathers brother and so discendynge. Liniall & collateral discent.

¶ And ye shal note, that by the common lawe

realme, the eldest sonne shall haue the hole inhe ritaūce, & after him if he haue no issue, ꝑ secōde sonne, and so forth. And yf I haue no sonnes but doughters, than shall all the doughters to-

Coparce ners, gyther iherite, which be called coparceners, but yf I haue no issue at al, neither sōnes ne dough ters thē shal my eldest brother iheritage succede me, but & yf I haue no brother, thē my systers yf I haue anye, yf nat my vncle by my fathers syde, yf the lādes be myne owne purchase. And to be shorte, yf there be none in syse, of my fa-thers syde, it shal go to my mothers syde, and yf there tā be foūde no heyre neither by fathers syde, nor yet by mothers, thē shall it reuerte & Elchete. etchete, as they call it, to the lorde of whom it was holde, for euery lande must nedes be holde of some lorde, as shalbe hereafter shewed. But yf lādes descēde vnto me by my mothers syde, than yf I fayle of issue, the landes shall discēde onely to my heyre of my mothers syde, & neuer to myne heyres of my fathers syde: as on ꝑ cō-trary syde, yf I haue landes or any hereditamē tes by discēt from my father or his blonde, they shall neuer discēde to my heyres by my mothers syde.

Dyuers syte. ☞ And thus ye se a greate difference in this behalfe, betwene purchased landes, and landes whiche discende from my auncestoure.

¶ Yf there be thre sōnes, & the myddle sonne purchaseth landes and dye without issue, the eldest shall haue the landes & nat the yongest.

A groūde of ꝑ law. ☞ Also it is a ꝓnciple in our lawe, that none can be myne heyre of landes that I holde in fee symple, onles he be myne heyre by ꝑ hole blode that is to saye, both by father & mother, for yf

a man

a man hath issue two or thre sonnes by sondry wyues, and the eldest purchaseth landes in fee and dyeth without issue, his halfe brethren I meane those that be nat his brethren both by ꝑ fathers syde, and mothers syde, shall nat haue the lande, but it shall go to his vncle.

¶ Lykewyse yf a man hath by hys fyrst wyfe a sonne & a doughter, and by hys seconde wyfe another sonne, and the sonne by the fyrst wyfe purchaseth lãdes in fee simple and dyeth without issue: the syster german, that is to say, both by fathers syde & mothers shall haue the lãdes by discente as heyre to her brother, and nat the yõger brother, for asmuch as ꝑ yõger, brother can nat in this case be heyre to his elder brother because he is no brother germayne vnto hym. Otherwyse it is of lãdes or other hereditamẽtes entayled as shalbe hereafter specified.

☞ Also yf a man be seysed of landes in fee simple and hath issue, a sonne and a doughter by one wyfe, and after the death of hys fyrste wyfe a sonne by another wyfe, and dyeth, and the eldest sonne entreth into the landes, and after he dyeth without lawfull issue of his body, the doughter shall haue the landes and nat the yongest sonne, & yet the yongest sonne is heyre to his father, but he is nat so vnto his brother But yf in this case the eldest sonne had nat entred, after the death of his father but had dyed before any entre made by him, then shal nat the syster germaine ẽtre, but ꝑ yõger brother is heyre to hys father, bycause the eldest brother was neuer in actual possession, whiche his requisite to ꝑ person ꝑ claymeth to be heyre collateralle

¶ But to the lynyall heyres, it suffreth that ꝑ

ancestour shulde haue bene heyre yf he had lyued, I meane as thus. A man is seased of lãdes and hath issue a sonne and a doughter by one wyfe, and afterwarde a sonne by another, he dyeth, and after his death the eldest sonne entreth nat but dyeth without issue before he can make actuall entre, here in this case hys syster shall nat haue ꝑ landes as heyre to her brother bycause her brother was nat actuall possessed but ꝑ yonger brother shal haue thẽ as heyre to hys father. Yet yf the eldest sonne in ꝑ case had lefte behynde him issue of his bodye, wether it had bene sõne, or doughter, this issue nat wtstãding, ꝑ the father of the issue was neuer possessed eyther actuallie, or in ꝑ law, shal haue lãdes & shal cõuey his discẽt frõ his father, the cause hereof is thys, ꝑ ꝑ sõne or doughẽ is lineal heire where as ꝑ brother, sister, vncle ante. &c. be heires collaterall, & so ye shal obserue a diuersite.

Diuersite.

☞ I call an actual possession, when a mã entreth in dede into landes which be to hym discended, but a possession in lawe, is called when landes be discended to a perso, and he hath nat yet realiye, and actually entred into them. For natwithstãding that he is in actuall possession yet he is possessed in the lawe, that is to say, in the eye and consideracion of the lawe he is demed to be possessed, forasmuch as he is tenaũt to euery maus accion that wyl sue for the sayde landes, for els assuredly there shuld insue an intollerable inconuenience, as we shall more copyously open in another place.

Heredi-tas ꝺo lit

¶ Ye shal further more vnderstande that this worde inheritaũce is nat only to be accõmodate and applyed to that which commeth by discẽt or suc-

or ſucceſſiō frō a mās aūcetours or predeſſours but alſo to euery purchaſe i fee ſiple, or fe tayle

¶ And note that a man can haue no larger, or greater eſtate then fee ſymple.

¶ Of fee tayle.

YE ſhal vnderſtād, that before a certaine Statute called the Statute of Weſtm. ſeconde, there was no ſtate tayle but all was fee ſymple, eyther purely that is to ſaye, without condicyon or at the leſt waye condycyonally as appereth by the pretence of the ſayde ſtatute, but nowe ſethens the promulgatīg of the ſtatute, diuers formes of ſtatute tayle haue eyſen. Weſt. 2. Capi. 1. Diuiſion

¶ Fee tayle is whē it is preſcribed and lymitted in the gyft, what ſort of heyres & by whom engendred ſhall inherite.

¶ As for example, I gyue landes to a man and to his heyres and go no further, this is fee ſimple: but yf I make a lymitacyon, and adde of his body begotten, nowe is it fee tayle, that is to ſay, a fee or inheritaunce lymitted, preſcribed, determinate, or aſſigned.

¶ So that yf I gyue landes to a man and to his heyres, he hathe, fee ſymple, but yf I gyue landes to him & to his heyres of his body lawfully begotten, he hathe but a fee tayle, foraſmuche as I appoynte, lymitte, preſcribe, and expreſſe what heyres they ſhalbe and for lacke of ſuch heyres, the gyft ſhalbe expyred and worne out, and the lāde ſhalbe reuerte agayne to the gyuer or his heires.

¶ But ye muſt obſerue and note that there be two kyndes of fee tayle. There is a generall tayle,

tayle and there is ſpecyall tayle.

Generall tayle.

¶ Fee tayle general is as where landes be gyuen to a man and to his heyres of hys body be gotten, without any mencyonynge and expreſſynge by what woman they are to be gotten. And therfore yf a man be tenaũt in the general tayle of landes, & taketh a wyfe and hath iſſue by her, and ſhe dyeth and afterwarde he taketh another wyfe, of whõ he hathe alſo other iſſue here eyther of theſe iſſues is heritable to thys lande entayled. But yf I expreſſe in the gyfte by what womã the heyres ſhalbe procreate and ingendred, then is it an eſpecyal tayle, as for example to make the thinge playne, yf landes be gyuen to a man and to the heyres of his bodye lawfully begotten by Margarete hys wyfe, this is an eſpecyall tayle, for the iſſue of him be gotten by another woman, ſhall neuer inherite by force and vertue of ỹ tayle. Lykewyſe it is, yf landes be gyuen to a woman & to the heyres of her bodye lawfully begotten (and ſhewe nat by what man) this is a generall tayle, but yf I go forth and ſaye by ſuche man her huſbande, then it is an eſpecyall tayle.

Eſpecyal tayle.

☞ Alſo yf I gyue lãdes to a man and to his wyfe, & to the heyres of theyr two bodyes lawfully begotten: this is an eſpecyall tayle, as well in the huſbande as in the wyfe.

¶ Semblable it is, yf a man gyueth landes to an other mã with his doughter, or kynſwoman in franke maryage, thys worde (franke maryage) employeth a ſtate tayle eſpecyally, and in this caſe as well the man as the woman hathe eſtate in the ſpecyall tayle.

Frauge mariage.

☞ But yf I gyue landes to a man & to ſuch

a woman,

a woman, and to hys heyres that he shall beget of her, here the women hathe estate but for terme of her lyfe, and the husbande an estate in ꝑ especyall tayle. And lykewyse it is in the womans behalfe, as yf I gyue landes to a mā and to his wyfe, and to her heyres of the bodye of her sayd husbande engendred, he hath an estate but for terme of lyfe, & she an estate in the especyall tayle. But in both cases, yf I had sayde to ꝑ heyres & nat his or her heyres, then shulde eyther of them haue had an estate in the especyall tayle, bycause this worde heyres is as well referred to the one as to the other.

¶ Ye shall also vnderstande, that yf landes be gyuen to a man, and to the heyres males of his bodye, this is a state tayle, and in this case the heyre female shall neuer inherite. Diuerse by heyres males.

☞ Also yf a man hathe issue and dyeth, and lādes be gyuē to hī & to his heyres of his body begotten, this is a good estate tayle, although the father, were deade at the tyme of the gifte.

¶ Fynally it is to be noted, ꝑ of landes which a man hath in fee symple the possession of the brother shall cause the syster germayne that is to saye, the syster both by the fathers syde and mothers, to inherite, & in this case the brother by the halfe blode shall nat inherite, as here to fore was sayde, but of lādes which be intayled otherwyse it is. Therfore if a man be seased of landes in the generall tayle, and hathe issue by his fyrst wyfe a sonne and a doughter, and also a sonne afterwarde by another wyfe, & dyeth, and the eldeste sonne entreth into the landes and after dyeth, the syster germayne to the eldest sonne shall nat haue ꝑ landes but ꝑ yōger brother

brother of the halfe blode bycause, whosoeuer shall inherite landes or any other hereditamen res in tayle, must clayme them as next and im= mediatly heyre, nat to him þ dyeth laste seased of þ landes but to him whom the landes were fyrst gyuen vnto, whiche in the case before re membred, is the sonne and nat the doughter.

Diuers site.

¶ Thus ye shall marke a greate diuersitie by twene the forme of succession in the landes of fee symple, and the forme in fee tayle.

¶ Tenaunt after possibilyte of issue extincte.

When landes, tenementes or o ther hereditamentes be gyuen to a man and to his wyfe, and to the heyres of theyr two bo dyes lawfully begotten yt in this case eyther of thē chaūce to dye before they haue issue be twene them, he or she, that ouerlyueth, is styll tenaunt in tayle, but without all possibilitie of any issue þ can be heyre to these landes or here ditamentes thus intayled, and for this cause he or she thus ouerlyuynge is called tenaunt after possibilitie of issue extincte, for ī such a tenaunt is all possibilitie of issue that may be inherita ble to these landes by force of the gyfte in tayle vtterly extincte & quenched and by his or her death the state tayle shall expyre, cease, and be abolyshed fore euer, and shal reuerte and turne agayne to þ gyuen or donour frō whēce it cāe.

Dyspu nyshable of wast.

¶ Yet forasmuche as this tenaunt after pos sibilitie of issue, had ones an inherytaunce in hi he shall nat be punyshed by an accion of waste.

though

though he maketh neuer so muche waste in the landes and tenementes where as yet in effecte he is but a tenaunt for terme of lyfe.

☞ But yf this tenaunt dothe alienate, in fee suche landes he in the reuercion maye entre for the forfeture. Forfeture.

¶ And this of estates at this present tyme shal suffyce. But to the intent that ye may the more easyly comprehende all the membres of the diuision of possessions and estates which men may haue in landes tenementes and other hereditamentes, it shall not be cupl done to set forth as it were in a table before your eyen the diuision therof which is this.

Fee symple.
- State of inheritenaūce.
  - Generall.
  - Speciall.
- Fee tayle.
- After pol.

After ỹ cōmon lawe.
- Curtesye of Englande
- Dowre.

Frank tenēt.
- Franke tenēt only.
  - Terme of lyfe.
  - Terme of others lyfe.

Possession of.
- After ỹ custōe.
  - Which is deuyded in lyke maner as franktenements by the common lawe.
- Reall.
  - Terme of yeres.
  - Warde of landes.
- Chatel.
  - At wyll.
- Personall.
  - All goodes moueables.

Of parceners or coheyres.

HEtherunto I haue made a cõpendious and shorte declaracion of estates of all sortes. But where I sayde, that amõge systers there is no prerogatyue or preeminence cõcernyng the inheritynge of theyr auncestours landes but that they shalbe all togyther inheritours and make as it were but one heyre it is expedient to make a further declaracion & processe in this behalfe, and to shewe howe and in what maner this partycion shalbe made.

Diuision pceners at the cõmon law pceners by custõe.

¶ But ye shall vnderstande that there be, beside pareeners at the common lawe, whiche be only systers, also parceners by custome, whiche is amonges brothers contrarie to the course of the cõmon lawe, and this custome is in summe places of Kent, & in other places where landes and tenemẽtes be of the tenure of Gauelkynde.

☞ Ye shall therfore knowe that when a mã is seased of lande in fee symple or fee tayle, and hath no issue but doughters, and dye, and the doughters do entre into the landes thus descẽded vnto them, nowe they be called parceners, or coheyres, and by a writ called: De partitiõ faciẽda brought by one of them agaynst the others, they shalbe constrayned by ỹ lawe to suffer an egall partycion to be made of the landes betwene them.

Writ de partitione faciẽda.

Partitiõ in diuers maners.

¶ Nowe partycion maye be made in sundry wayes. One waye is when they them selues do make partycion betwene them of the hole heritage and do agree vnto the same, and do entre euery one into her parte so alotted vnto her.

1.

☞ Another waye is when by all theyr agreement and consent one cõmon frynde doth make the partycion. In whiche case ỹ eldest syster shal

2.

haue

haue the fyrst eleccion, and after her the secõde syster, and so forth. But yf they agree ꝑ the eldest syster shal make the partic̃on, and she maketh it, then the eldest shal nat chose fyrste, but shall suffer all her systers to chose before her, as it is thought. 3.

☞ There is also another forme of partic̃on whiche is egallye to deuyde the landes into so many partes as there be coheyres or perceners and to wrỹte euery parte so deuyded in a seuerall scrouile of paper, & so put the sayd scrouiles into a bonet, or to enclose them seuerally in balles of ware, and thã the eldest syster to chose whiche balle she wyll, or to put her hande into the bonet, and to make a scrouile, and to holde her to her chaunce and allotment, and so consequently euery syster after other. 4.

¶ And ye shal note, that partic̃on by agremẽt may as well be made by nude and bare wordes without wrỹtynge as by wrỹtynge. Note.

¶ And yf any of the parceners wyll nat suffer any ptic̃on to be made, thã may the other that wolde haue ptic̃on purchase a wrỹt called De partitione facienda, agaynste thẽ that refuse ptic̃on to cõpell the same to suffer ptic̃on to be made accordyngly, and than by the iudgement of the court, the shyryfe by the screment & othe of twelue men shal make ptic̃on betwene them and shall assygne to eche syster her porcyon, as he shall thinke good, without gruynge any eleccyon or chose to the eldest. A wrỹte De ptic̃ione faciẽda.

¶ And yf two Manours or meeses happen to discẽde to two systers, & the maners be nat of egall value, thã may she, to whom the lesse maner or meese is allotted, haue assigned vnto her

a rent proporcyonably out of the other manor for the whiche rent she and her heyres may dystrayne of cōmon ryght, thoughe they haue no wrytyng therof.

Distres of cōmon ryght.

¶ Fynally, ye shall vnderstāde, that yf a man be seased of lādes in fee symple, and hath yssue two daughters, and gyueth with one of his daughters to another mā that shall mary her, the thyrde or fourth part of his lande in franke mariage and dyeth, yf in this case þ daughter that is in this wyse bestowed & auaunced, wyll haue her porcion of her fathers heritage, she must put her lande gyuen vnto her in frāke mariage in Hoche pot newe agayne. I meane she must be cōtented to suffre her sayd landes to be commyxte & mengled with the other landes of which her father dyed seased in fe symple, so þ an equall diuision may be made of the hole, or elles she shall haue no parte of those landes of whiche her father dyed seased. But yf her father had made vnto her but a common gyfte in tayle, or a feffemēt in fee, she shulde nat nede to put her landes in Hachepot, but may very wel kepe & retayne them styll, & also haue as good part of the rest of the lādes of which her father dyed seased, as her other syster or systers haue.

Hochpot

Franke mariage.

For a gyfte in frākemariage, is accompted the most free and most ryberall gyfte that can be, & that gyfte whiche the lawe iudgeth to be onely for the auauncement and bestowynge of the daughter, where as feffementes in fe symple & also comon gyftes in tayle be accostomably for other causes, and for the auauntage rather of the gyuour, or feffour then of the taker.

¶ Also yf parceners make partycion of lādes

beynge

beynge within age that partition is voyde.

¶ And yf parceners in fee symple make pticion and the part of the one is better then the other beynge of full age of .xxi. yeres, then the partition is good and can nat be defeted, but yf it be of landes in fee tayle, the one parte beynge better then the other, that partition may be defeted by theyr heyres.

☞ Of Iontenauntes.

HYtherunto verely haue we spoken of Coheyres called Parceners at the comon lawe, whyche as is heretofore declared do cõe to landes and other hereditamẽtes ioyntly by the course, operacion and acte of the lawe. Nowe shal we speke somewhat of them whiche eyther ioyntly or severally come to landes, tenementes, or other hereditamentes by theyr owne purchase, acte, procurement and worckynge. And of these they that come to them by ioynt tytle, waye, or colour be called ioyntenauntes, but they that come by several tytles, wayes, or colours to lãdes or tenemẽtes, be named tenantes i cõmon.

¶ So then, yf a man beynge seased of landes, or tenemẽtes or other hereditamẽtes shall thereof enfeffe two, thre, foure, or more, to haue and to holde to them in fee symple, fee tayle, or for terme of theyr lyues, or for terme of anothers lyfe, these personnes so infeffed and seased, be called Ioyntenauntes. Also yf two or moo do expell and disseyse another man of any landes or tenementes to theyr owne behouse and vse these disseisours and wronge doers are nowe

Tenãtes in cõmon

become ioyntenauntes, bycause by theyr owne acte they come ioyntly to this lande. But yf they do disseyse another mā to the vse onely of one of thē, in this case they be nat ioyntenauntes but he to whose vse the disseisen is made, is tenaunt alone of the same, and the other haue nothynge in the tenaūcy, but be called aydours or coadiutours to the disseisin.

Disseisin ¶ And ye shall vnderstande, ỹ a disseisin is properly, where a man entreth into any landes or tenementes there where his entre is nat lawefull, and putteth out him whiche hath the freholde of the same.

Suruyuour taketh place. ¶ And ye shall furthermore knowe, that the nature of ioyntenauncye is, that he which suruyueth and ouerlyueth the other, shall haue to him selfe alone the hole & entire tenauncye accordynge to that estate whiche he shulde haue had yf the iointure had ben continued, as (for example) thre Ioyntenauntes be of landes in fee symple, and the one hathe yssue & dyeth, in this case the two whiche do ouerlyue theyr felowes, shall haue the hole landes betwene thē, and the yssue of him that is depted getteth nothynge. And yf the secōde ioyntenaūt hath also yssue & dye, the thyrde whiche hath ouerlyued thē bothe, shall nowe haue & enioye the hole to him and to his heyres for euermore.

Dyuersyte. ¶ But otherwyse it is of coheyres whiche in our lawe be called perceners. For yf there be. iii. such coheyres & parceners, and before any partition made, the one hath yssue a sonne or a doughter and dyeth, his portion shal discende and fall to his chylde, and shall nat runne amōgest the other ioynt heyres or caparceners.

How

Howbeit yf ſuch parcener or coheyre had dyed without iſſue, then ſhulde his portyon haue diſcẽded to his coheyres. But howernat by force of ſurvyvour or ouerlyvynge which in latyn is called ius accreſcendi, but by very diſcent, for where any of the coheyres dye without yſſue who cã be heyre to him or her ſo dyenge, but ẏ other coheyre to him or her ſo dyenge, but the other coheire or the reſt of the coheyres yf ther be many. ☞ And lyke as this ryght of ſurvyuer or ouerlyvynge holdeth place amõges ioyntenauntes of landes and tenementes, ſo in lyke maner it holdeth place amõges thẽ which haue ioynt eſtate or poſſeſſion ẅ others of chatelles whether they be real or perſonal. As (for example) yf a leaſe of landes or tenementes, be made to many for terme of certayne yeres, ẏ ouerlyuer or ouerlyuers ſhall haue the hole duryng ẏ terme by force of ẏſame leaſe. So of chatelles perſonall, yf an hoꝛſe, oꝛe grayne or other ſuche perſonall chatell be gyuen to many, he whiche ouerlyueth ſhal haue the ſame alone. In lẽblable wyſe it is of dettes and dutyes. For yf an obligation be made to many for one det, & ſo of other couenauntes and contractes.

Joyntenauntes of real or perſonal goodes.

¶ Alſo ſome Joyntenauntes may be whiche may haue ioynt eſtate and be ioyntenãtes for terme of theyr lyues, and yet haue ſeuerall inheryptaunces. As wehre landes be gyuẽ to two men & to the heyres of theyr two bodyes engendred, in this caſe, theſe two perſonnes haue ioynt eſtate for terme of theyr two lyues. And yet they haue ſeueral inheritaunces. For yf the one haue iſſue and dye, ẏ other that ſurvyueth ſhal haue al by force of the ſurvivour for terme

Joyntenauntes of ſeueral inheryptaunces.

of his lyke. And yf he that surupueth hath also
yssue & dye, thā the yssue of the one shal haue þ
halfe of the landes, & the issue of the other shal
haue thother halfe, & they shall holde the lande
betwene them in cōmune & shall nat be ioynte-
nauntes, but tenantes in cōmon, and the cause
and reason why suche donees i such cases haue
ioynt estate for terme of theyr lyues is, for that
at the begynnig the lādes were gyuē to thē two
whiche wordes without more sayenge, make a
ioynt estate to thē for tme of theyr lyues. For if
a man wyl let lāde to another by dede or with-
out dede, nat makynge mencion what estate he
hath & of this maketh lyuery of seisin, in this
case the lesse shall haue a state for terme of his
lyfe. And yf he haue no lyuerye of seisine he is
but tenant at wyl. And so forasmuch as þ lādes
were gyuē vnto them, they haue a ioynte estate
for terme of theyr lyues, But the cāe why they
haue seuerall inheritance, is this, for that they
can nat by possibilite haue an heyre betwene
thē engēdred as a man and a woman may haue
wherfore the lawe wyl that theyr estate & their
inheritaunce shalbe suche as reason wyll after
the forme & effecte of the wordes of the gyfte,
and that is to the heyres that the one engēdred
of his body by any of his wyues, & to þ heyres
that the other engēdreth of his body by any of
his wyues. So it behoueth by necessite of rea-
son, that they haue seuerall inheritaunces. And
in such case yf þ yssue of one of thē aft the deth
of thē both doth dye, so that he hath no issue a-
lyue of his bodye engendred: then the donour
whiche gaue the landes or his heyre may entre
in the halfe as in his reuercion though þ other

hath

Tenaun-
tes in cō-
mon.

hath yſſue alyue. And the cauſe is ꝑ foraſmuch as the inheritaunces be ſeuerall, therfore ꝑ reuerſion in the lawe is ſeuered, & the ſuruiuour of the yſſue of the other ſhall holde no place to haue the hole. And as it is ſayd of males in the ſame maner it is where lãdes be gyuẽ to two females & to ꝑ heyres of their.ii. bodyes begotte.

Suruiuour holdeth no place.

☞ Alſo yf landes be gyuen to two and to the heyres of one of thẽ, this is a good ioyntenaunce, and the one hath a fre holde, and the other hath a fee ſimple, & yf he which hath fee ſimple dye, he that hath the freholde ſhal haue the hole by the ſuruiuour for terme of his lyfe.

¶ And yf theſe two ioyntenauntes ioyne in a gyfte in tayle to a ſtranger, reſeruyng a rent to hym that hath a ſtate but for his lyfe, this reſeruacion is voyde to make a tenure. Lykewyſe it is where tenementes be gyuen to two and to the heyres of the body of one of them engẽdred the one hath freholde & the other fee tayle.

☞ Note, yf two ioyntenantes be ſeaſed of eſtate of fee ſimple and the one graunteth a rẽt charge by his dede to another out of ꝑ whiche to hym belongeth, in this caſe durynge the lyfe of the grauntour the rent charge is good and effectuell, but after his deceaſe the rent charge is voyde, as to charge the landes, for he ꝑ hath the lande by the ſuruiuour ſhall holde all the lande diſcharged, the cauſe is for that he that ſurupueth, claymeth to haue the lande by the ſuruiuour and nat by deſcent of his felowe.

Rente charge graunted by a ioyntenaunt.

¶ But otherwyſe it is of pceners or coheyres for yf ther be.ii. pceners in fe ſiple & before any ꝓtition made, ꝑ one chargeth that, ꝑ to him belõgeth by his dede of a rent charge & dyeth

Dyuerſyte.

out issue, here that which to him belongeth discendeth to the other parcener and in this case the other pcener shal holde the lāde charged by cause he cometh to ꝑ halfe by discent as heyre.

¶ Also yf there be two ioyntenauntes in fee simple. within one borough where the landes & tenemētes within the same borough be deuisible by testamēt if the one of ꝑ sayde ioyntenaūtes deuyse that whiche to him belongeth, by testament, & dye, this deuyse and legation is voyde. And the cause is for that, ꝑ no deuyse may take effect tyl after the death of the testatour which bequethed & deuysed the same, and by his deth all the lande incontynent commeth by the lawe to his felowe that survyueth by the survyuour which neyther claymeth nor hath any thing in the lande by the deuyse but in his owne ryght, by the survyuour after the course of the lawe & for this cause such deuyse is voyde.

Deuyse by testament.

¶ But otherwyse it is of parceners sealed of tenemētes deuisable in suche case of deuyse for the cause above remēbred. Also it is commonly sayde that euery ioyntenaunt is sealed of the lande that he holdeth ioyntlye par my et par tout, that is, thrōughe out & by all. And this is as much to say, that he is sealed by euery parcell and by all, whiche sayenge is true for in euery parcell and part and thrōughe out all the landes & tenementes he is iointly sealed with his felowe. And therfore yf the one ioyntenaūt make a feffemēt to his cōpanion, this is voyde bycause he can make no l yuery of season to hi. Also yf two iointenaūtes be sealed of certayne lādes in fee simple & thone letteth that, ꝑ to him belongeth to a straūger for terme of yi. yeres &

A groūde in ꝑ lawe

Diuersyte.

dyeth

dyeth within the terme, in thys case after hys death the lessee may entre & occupy the halfe to him letten durynge the sayd terme though the lessee neuer had possession of it in the lyfe of ꝑ lessour by force of the lees. And the difference betwene the case of the graūt of a rent charge and this case is this that in the graūt of a rent charge by a ioyntenaunt the landes or tenemētes abyde alwaye as they were afore without that, ꝑ any hath ryght to haue parcell of the tenementes but thē selfe and the tenementes abyde in such plyte as they were before ꝑ charge But where a lees is made by a ioyntenaunt to another for terme of yeres, incōtinent by force of the lease the lessee hath ryght in ꝑ same lāde that is to say, of al that, that to his lessour belongeth by force of the same lease durynge his terme. And yf the lessour in this case dye the other ioyntenaūt shal haue the rent or ferme durynge the sayd terme bycause the reuersion is come to him by survyuour. Fynally yf a ioynte estate be made of lande to the husbande & wyfe and to the thyrde person, in this case the husbande & the wyfe haue nat in the lawe in theyr ryght but the halfe, and the thyrde person shal haue as much as the husbāde & the wyfe haue that is to say, the other halfe.

Diuersite betwene a grāt of a rēt and a lease.

¶ And the cause is for that the husbande and wyfe be but as one person in the eye of the law and it is here in lyke case as yf estate be made to two ioyntenauntes where the one hathe by force of ioynture ꝑ one halfe, & the other the other halfe. In lykewyse it is where estate is made to the husbāde and wyfe and to other two men, in this case the husbande & the wyfe

haue nat but the thyrde part and the other two men the other two partes.

¶ Also yf two or thre togyther disseiseth another of landes & tenemẽtes to theyr owne vses, then suche disseisours be called ioyntenauntes. More shalbe sayde of this matter touchynge ioyntenauntes in the nexte chapiter.

☞ Tenauntes in Common

Tenauntes in Common (as I sayde before) be they that haue landes or tenemẽtes in fee simple, fee tayle, or for tme of lyfe, which haue suche landes and tenementes by seuerall tytle, and nat by ionyt tytle and none of them knoweth that whiche is seuerall to him. And in this case they ought by the lawe before particion made betwene thẽ to occuppe suche landes and tenementes in cõmon and for vndeuyded to take the profites in cõmon. And bycause they come to suche landes & tenementes by seuerall tytles and nat by one selfe ioynt tytle and theyr occupacion and possession i the same is amonge them in common, they be called tenauntes in common, or tenauntes p indiuiso. As for example, yf a man infeoffe.ii. ioyntenauntes in fee simple, and the one of them alyeneth that, p to him belongeth to another in fee, nowe the other ioyntenant and he to whõe the alienacion was made be tenantes in cõmon for that they be sealed of suche tenementes by seuerall tytles, for the one commeth to the one halfe by the feoffement of the ioyntenaunt and the other hathe the other halfe by force of the fyrst feoffement made to hym and to his fyrste felowe and so they be in by seuerall tytles & by

seueral

seuerall feoffementes.

Diffinicion of fe onely.

¶ And it is to wyt, that when it is layd in any boke, that a man is seased in fee without moze sayenge oz addicion, it shalbe vnderstande fee symple, foz it shall nat be vnderstande by suche wozde in fee that a man is seased in fee tayle, except there be put in it suche addicion (tayle).

Joyntenauntes.

☞ Also yf thze ioyntenantes be & the one of them alyeneth that whiche vnto hym belõgeth to another in fee, in this case the alyenee is tenaunt in cõmon vñ the other.ii. ioyntenauntes. But yet the other.ii. ioyntenantes be seased of the.ii.partes ioyntly, and of these.ii partes the suruiuour betwene them holdeth place.

¶ Also yf there be.ii. ioyntenauntes in fee and the one gyueth that, that vnto hym belongeth to another in the tayle, the donee and the other ioynt enant be tenantes in common. But yf the landes be gyuen to.ii.men and to the heyres of theyr.ii.bodyes engẽdred, the dones haue ioynt estate foz terme of theyr lyues, and yf eche of them haue issue and dye theyr issues shall holde in common.

☞ Also yf landes be gyuen to.ii.men to haue and to holde, the one halfe to the one & to his heyres, & the other halfe to the other and to his heyres, they be tenauntes in common.

¶ Also yf a mã seased of certayne lãdes enfeoffeth another in ꝑ halfe of the same lãde wout any speche of assignement oz lymitacion of the same halfe in seuerallte at the tyme of the feoffement, thẽ the feoffe & the feoffour shall holde theyr partes of the lande in common.

☞ And as it is of tenaũtes in cõmon of landes oz tenemẽtes in fee symple oz fe tayle, euen

so

Ioynte-
nauntes.

so it is of tenaũtes for terme of lyfe. Therfore yf two ioyntenauntes be in fee and the one letteth to a man that, ỹ vnto him belongeth for terme of lyfe and the other ioyntenaunt letteth that which to him belõgeth to another for terme of lyfe also, these two lesses be tenauntes in cõmon for terme of theyr lyues.

¶ Also yf a man let lãdes to two mẽ for terme of theyr lyues, of whõ the one graũteth all hys estate to another: thẽ that other tenaunte for terme of lyfe, & he to whom the graunt is made shalbe tenauntes in comon duryng the tyme that both lesses be alyue.

¶ Note yf there be two ioyntenauntes in fee, and the one letteth that, ỹ vnto him belongeth to another for terme of lyfe: ỹ tenaũt for terme of lyfe duryng his lyfe and the other tenaunte that dyd nat let be tenantes in comon. And vpon this case a questiou may ryse as this. Let

Questiõ.

the case be that the lessour hath issue & dyeth, lyuynge the other ioyntenaũt his felowe, & lyuynge the tenaũt for terme of lyfe, the question is whether the reuersyon of the halfe that the lessour hath shall discende to the issue of the lessour or whether the other iointenaũt shal haue it by the survyuoure or no. And somme haue sayde, that the other ioyntenaũt shall haue the reuersion by the survyuoure for as muche as, when the ioyntenauntes were ioyntely seysed in fee symple, though one of them made estate of that, that vnto him belongeth for terme of lyfe, and though he hath seuered the franke tenement of that, that to him belongeth by the lees, yet he hathe nat seuered the fee symple. But the fee symple abydeth to them ioyntly as

is was

it was before. And so it semeth vnto the, ꝑ the other ioyntenaunt which survyueth shall haue the reuersion by the survyuour. But other haue thought the contrary, and this is theyr reason. When one of the ioyntenauntes letteth that which vnto him belõgeth to another for terme of lyfe by suche lease the franke tenement is seuered from the ioynture. So that the reuersiõ that is dependaunt vnto the same franke tenement is seuered from ꝑ ioinꝛure. Furthermore yf the lessour had reserued to him a yerely rent vpon the lees, the lessour onely shulde haue the rent which is a proke ꝑ the reuersion is only in him and that the other hathe nothynge therin.

☞ Also yf the tenaunt for terme of lyfe were impleded and make defaut after defaut, ꝑ lessour shalbe onely here vpon receyued to defende his right and nat his felowe, which proueth ꝑ reuersion of the halfe to be onely in the lessour and so consequently, yf the lessour dye, lyuynge the lessee for terme of lyfe the reuersyon shall discende to the heyres of the lessour and shall nat come to the other ioyntenaunt by the survyuour after these mens opinions, yet it is a wout But in this case, yf the ioyntenount that hathe the franke tenement, haue issue & dye, lyuynge the lessour and the lesse, than it semeth that the yssue shall haue the halfe in his demesne, as of fee by discent for as much as the franketenement may nat by nature of the ioynture be annexed to a reuersion, and it is certayne that he that letted, was seased of the halfe in his demesne as of fee, and that none shall haue any ioynture in his franke tenement, So that thys shall discende to his yssue.

Receyte

Quere.

Releale. ¶ If thre ioyntenantes be, & the one releaſeth by his dede to one of his felowes all the ryght he hath in the lande, thã hath he to whõe the releas is made ꝑ thyrde part of the lãdes by force of the releaſe, and he & his felowe ſhall holde ꝑ other.ii. parties ioyntly. And as to the thyrde part ꝑ he hath by force of the releaſe he holdeth it with hym ſelfe and his felowe in cõmon.

¶ And it is to wyt, that ſometyme a dede of releas ſhal take effect to put the ſtate of him that made the releas in him, to whome the releas is made as in caſe aforeſayde.

¶ Alſo if a ioynt eſtate be made to the huſbãde and wyfe & to a thyrde perſon, and the thyrde perſon releaſeth his ryght that he hath to the huſbande: than hath the huſbande the halfe, whiche the thyrde perſon had, and the wyfe of this hath nothyng. Semblably if the thyrde perſon had releaſed to the wyfe nat nampynge the huſbande in the releas, thẽ ſhulde ꝑ wyfe haue the halfe that the thyrde perſon had, & the huſbãde nothynge of this but in ryght of his wyfe bycauſe ſuch releas ſhal enure to put the eſtate to hym to whõe it was made of all that, ꝑ belongeth to him that made the releas. Agayne in ſome caſe a releas ſhall enure and ſerue to put all the ryght that a man hath that made the releaſe in him to whome it is made. As a mã beynge ſeaſed of certayne landes is diſſeiſed by two diſſeiſours ꝑ the perſon diſſeiſed by his dede releaſe all his ryght to one of the dyſſeyſours, thã he to whome the releaſe is made ſhal haue and holde all to hym alone & put out his felowe of the occupacion of it. And the cauſe is for that the two diſſeiſours were ſeaſed by

Dyſſeyſours.

wyronge

wronge by them done agaynst the lawe, & whā one of thē getteth the releas of him þ had right tō entre, this right resteth in him to whom the release is made, & in suche plyte as if he þ had the right had entred and enfeoffed hym of the same. And the cause is, for that he that before had an estate by wronge hath nowe by the release a rightfull state.

☞And in some case a release shall enure and take effecte by way of extinguyshement, & such a release shall helpe the ioyntenaunt to whome the releas was nat made aswel as him to whō it is made, as if a man be disseised, and the disseisour maketh a feoffement to two men in fee yf the plon disseised release to one of the feoffes in fee by his dede, thā such releas shal enure to bothe the feoffes bycause the feoffes haue estate by the lawe, that is to say by the feoffement and nat by wronge done to any other.

Releale by way of extynguilmēt.

¶ And in lyke maner yf the disseysour make a lease to a man for terme of lyfe, the remaynder ouer to another in fee, yf the disseysie wyll release to the tenant for terme of lyfe al his right this release serueth as wel to hym in þ remaynder, as the tenaunt for terme of lyfe. And the cause is for that the tenant for terme of lyfe cōmeth to his estate by the course of the lawe, & for this cause the release shal enure and take effecte by way of extinguishemēt of the right of hym that hath released. And by this release the tenaunt for terme of lyfe hath no greater estate than he had before the release made vnto hym and yet the right of hym that released is al vterly extincte and gone. Wherfore for almuch as such release can nat enlarge the state of þ tenaunt

A releale shall enure to hym in the remaynder

naunt for terme of lyfe, it is reason, that it shal serue him in the remaynder.

¶ Also yf there be two parceners, and the one alyeneth his part to another: ꝑ other parcener and the alyene be tenauntes in common.

Tenauntes in cõmon by tytle of ꝓscripcõ

☞ Furthermore tenauntes in common maye be by tytle of prescripcion yf the one & his aũcestours or they whose estate he hath in, ꝑ halfe haue holden in cõmon the same halfe with the other tenaunt ꝑ hathe the other halfe and with his aunceſters or them whose estate he hath as vndeuyded tyme out of mynde.

Accions seueral.

¶ Also ye shal marke, that in some case tenaũtes in cõmon ought to haue of theyr possessyon seuerall actions, & in some case they shall ioyne in one accion, for yf there be two tenauntes in cõmon & they be disseysed, they ought to haue ageynst the disseysour two assyses and nat one assyse. For euery of them ought to haue an assyse of his halfe, bycause they were seased by seuerall titles, but otherwyse it is of iointenaũtes, for if there be .xx. iointenaũtes & they be disseised, they shal haue in al theyr names but one Assyse, bycause they haue but one ioynt tytle.

Assyse.

¶ Also yf there be thre ioyntenauntes, of whõ the one releaseth to one of his felowes all the ryght he hath and afterwarde thother two be disseased of the hole, in this case they shal haue in both theyr names one assyse of the two partyes. And as to the thyrde parte he to whome the release was made ought to haue therof an Assise in his owne name, bycause as to ꝑ thyrd part he is tenaunt in common.

Dyuersyte.

¶ Also as to sue accions ꝑ touche the realtye, there is a diuersyte betwene parceners that in

dyuers

in diuers discentes, and tenauntes in common. For yf a man sealed of certayne landes in fee, hath issue two daughters and dye, & they entre into the landes as coheyres, and eche of them hath yssue a sonne & dye without ymicion made betwene them, so that the one halfe discendeth to the sõne of the one ancener, & the other halfe to the sõne of the other and they entre & occupy in comon, & be dissesed, in this case they shall haue in theyr two names one Assyse, & nat two Assises. And þ cause is, though they come in by diuers discẽtes, yet they be coheyres & ancners

¶ Also yf two tenauntes in common of certayne landes in fee, gyue the same to another man in the tayle, or let it to another for terme of lyfe, reldynge an annuyte or certayne rent of a pounde of Peper, or an hauke or an hoyse, and they be sesed of these seruyces & afterwarde al the rent is behynde and they distrayne for it and the tenaunt maketh them rescous, in this case as to the rent & the pounde of Peper they shall haue two Assyses, and as to the Hauke & the Hoyse but one Assyse. And the cause whye they haue two Assyses as to the rent & pounde of Peper is, for that they were tenautes in cõmon by seueral tytles, & whã they made a gyft in the tayle or lease for terme of lyfe, rayning & reseruynge to them the reuersyon and reldyng to hym certayne rent: this reseruacyon is incydent to theyr reuersyon. Rescous

¶ And bycause theyr reuersyon is in cõmon & by seueral tytles, euen as theyr possession was before the rent and other thynges whiche may be sesed and which were to them reserued vpon the gyft or vpon the lease (which e be incy-

dent by the lawe to the reuerſion) therfore ſuch thynges ſo ſeuered be of the nature of reuerſiõ Wherfore it behoueth that ꝑ rent & the pound of Peper which may be ſeuered be to the incõmon by ſeuerall tyles. And of this they ſhall haue two Aſſyles & euery of them in his Aſſyle ſhall make his playnt of the halfe of the rent & of the halfe of the pounde of Peper. But of ꝑ hauke and the horſe whiche can not be ſeuered they ſhal haue but one Aſſyle, for it were an abſurditie & thinge incõuenient to make a playnt in Aſſyle of the halfe of an Hauke, or of ꝑ half of an horſe. In lyke maner it is of the other rentes and ſeruices that tenauntes in common haue in groſſe by dyuers tyles.

Playnt in aſſyle.

Perſonall accions

¶ And ye ſhall vnderſtande that concernynge accion perſonals, tenaũtes in cõmon ought to haue them ioyntly in al theyr names, that is to ſay of treſpas or of offences that touche theyr tenementes in comon, as of breakynge of theyr houſes, breakynge of theyr cloſes, and paſtures, waſtynge and deſoulynge of theyr graſſe, cutynge of theyr woodes, & of fyſſhynge in theyr pondes, and ſuch other, and they ſhall recouer ioyntly damages, becauſe the accion is in the perſonaltie & nat in the realtie.

Damage

Tenaũtes in cõmon ſhal haue one acciõ of Dette

¶ Alſo yf tenauntes in common make a leaſe of theyr tenementes to another for terme of yeres yeldynge vnto them yerely a certayne rent, yf the rent be behynde, they ſhall haue one accion of Det agaynſt the leſſe and nat dyuers actions, becauſe the accyon is in the perſonaltye But in auoury for the ſayd rent, they ought to ſeuere becauſe it is in the realte as the a ſiſe is

Auoury.

¶ Tenauntes in common of chatels.

It is to be knowen, þ as there be tenaũtes in cõmon of lãdes or tenementes : so there be tenauntes in cõmon of possessyons & ppetyes of chatels as well real as ꝑsonall. Of real as if a lees be made of certayn landes to two men for terme of .xx. yeres, and whan they ar therof possessed the one graũteth that, þ vnto hym belongeth, during the terme to another, he to whom the graunte is made & the other shall holde & occuppe in cõmon.

¶ Also yf two ioyntenauntes haue the warde of the bodye and of the landes of an heyre vnder age, & thone of thẽ graũteth to another that, þ vnto him belongeth of the same warde, thẽ he to whome the graũt is made, & the other that graunteth nat shall haue & holde it in cõmon. Joyntenaunt of awarde.

¶ Of chatels parsonels, as yf .ii. haue a ioynt estate eyther by gyfte or by byenge, of an horse, or of an oxe, or suche lyke, and the one of them graunteth that, þ to him belongeth here shall the graunter and he that graunted nat, haue & possede such chatel parsonal in cõmon. And in suche cases where dyuers ꝑsons haue chatels reals or personals in cõmon and by dyuers tytles yt one of thẽ dye, the other that survyueth shall nat haue his felowes parte by the survyuynge, but the executours of him that dyeth shal holde and occuppe it with him that survyueth in lyke fourme as they or testatour dyd or ought in hys lyfe, forasmuche as they tytles and ryghtes were seuerall.

¶ Also in þ case aforesayd, yf two haue estate in cõmon for terme of yeres, and the one dothe

occuppe all and put the other out of his poſſeſ-
ſion and occupacion, thē ſhal he that is put out
A wryt de ejectione firme. haue agaynſt thother a wryt de Ejectione firme
for the halfe. In ſemblable maner where
two holde the warde of landes or tenementes
durynge the nonage of a chylde, yf one ſhal put
out the other of his poſſeſſyon, he that is out
De ejectione cuſtodie. ſhall haue a wryt, de Ejectione cuſtodie of the
halfe, bycauſe theſe thinges be chatels reals, &
may be appoynted and ſeuered. But no accī-
Treſpas on of Treſpas lyeth for the one agaynſt the o-
ther (as for example Quare clauſū ſuū fregit &
herbam ſuā concuſſauit et cōſumpſit nor ſuche
lyke actions) foraſmuch as eche of them maye
entre and occuppe in common. But yf two be
poſſeſſed of chatels yloneis in common by dy-
uers tytles as of an horſe, or an ore, cowe, yf
the one take it all to him ſelfe out of the poſſeſ-
ſion of the other, the other hath none other re-
medye, but to take it agayne from him y hath
done him the wronge, whē he may ſe his tyme.
¶ In lyke maner of chatels reals whiche may
nat be ſeuered, as in the caſe aforeſayd, where
two be poſſeſſioners of a warde of the body of
a chylde within age, yf one ſhall take a chylde
out of the poſſeſſiō of the other, the other hath
no remedy by any actiō at the lawe, but to take
the chylde out of the others poſſeſſion, when
he ſeeth his tyme.
Fourme of pleadynge. ☞ Fynally ye ſhall vnderſtande that whan a
man in pleadynge & declarynge his cauſe wyll
ſhewe a dede of feoffement made vnto him or
a gyft in the tayle or a leaſe for terme of lyfe or
any landes or tenementes, ſhall vſe his termes
in this wyſe, and ſaye, by force of ſuche feoffe-
men t

mente, yyke, or leale, was sealed.

¶ But where a man wyll declare or pleade a leale or a graũt made vnto hym of a chatel real or personall, there he shal say by force of which he was possessed.

¶ Of partycion to be made by ioyntenaũtes and tenaũtes in cõmon inacted. Anno.xxx H.viii.

All ioyntenaumtes & tenaũtes in cõmon of any estate of inheritaũce in theyr owne ryghtes or in the ryght of theyr wyues of any landes or heredytamentes within this realme of Englande, Wales, or the marches of the same, shall and may be compelled to make partycyon betwene them of they same whiche they so holde as ioyntenaumtes or tenaũtes in cõmon by wryt de ytycipatione faciendo to be deuyded in the chauncery in lyke maner as copasceners are compelled to do, and the same wryt to be pursued at the common lawe. And after suche ytycion made euery of the sayd ioyntenaumtes & tenaumtes in common, shal & may haue ayde of the other or of theyr heyres, to thentent to dereigne the warrantie paramoũte and to recouer for the rate as is vsed betwene copartceners after partycion made by the ordre of the cõmon lawe.

Wryt de Partycipatione faciendo.

Ayde prayed.

¶ Item in the.xxxii.yere of kynge Henry the viii. Cap.xxxii. It is further inacted that all ioyntenaũtes & tenaũtes in cõmon which holde ioyntlye or in cõmon for terme of lyfe, yere or yeres or ioyntenaumtes or tenaumtes in cõmon where one or some of thẽ haue estate for terme of lyfe or yeres with other that haue estate of

inheritaūce or free holde in any lādes or other hereditamentes shalbe compellable by writte of Partition to be pursued out of the chaūcery vpon theyr cases, to make seueraunce & partycion of all such lādes & hereditamētes as they holde ioyntly or in common for terme of lyfe or lyues, yere or yeres where one or some of them holde ioyntly or in cōmon for terme of lyfe or yeres with other that haue an estate of inherytaunce or free holde. Prouyded that no such partition nor seueraunce, be hurtful to any person other then such as be partyes vnto ꝑ sayd partition theyr executours or assignes.

¶ Of condicions.

Diuision

For asmuche as euery estate is eyther pure, or condicionall, it were nat amisse to make some declaracion of the nature and effycacye of cōdicions. Wherfore ye shall vnderstande that of condicions, some be actuall cōdicions, & be called expresse cōdicions or condiciōs in dede, & other some be cōdiciōs in law which be called also in latyne Conditions tacite, siue cōditiones iplicitie, bycause they be secretely implyed by the lawe and nat expressed.

Condicions in dede.

¶ Conditiōs in dede be suche as be knyt and annexed by expresse wordes to the feoffement leale or graunt, eyther in wrytynge or without as for example yᵗ I infeoffe a man in certayne landes reseruynge to me and to my heyres so muche rent yerely to be payde at suche a feast, and for defaute of payment, ꝑ it shal be lawful for me to reentre, this is a feoffement vpō cōdycyon

cion of payment. And here ꝑ nat payment of the rent shal dissolue and vtterly defete the feoffement, semblably it is of gyftes in taile leases. &c.

¶ But yf the condicion be, that for defaute of payment of the rent, it shalbe lawfull for the feoffour to entre agayne into the landes and to holde them tyll he be contented and satysfyed of the rent, this cõdicion nat performed doth nat dissolue nor vndo the feoffement, but onely gyueth to the feoffour an auctho*r*tie to retayne the landes (as it were by way of dystresse) tyll he hath leuyed the arrerages of the rent. And ye shal wel marke and obserue, that condicions be sometyme made to be ꝓfourmed on the feoffees behalfe, and sometyme on the feoffours behalfe. On the feoffees behalfe, as when I enfeoffe you of landes or tenementes vpon cõdycion ꝑ ye shal do such an act, as to pay vnto me or to myne heyres such annuell rent. Dystres.

¶ On the feoffours behalfe, as when I make a feoffement vnto you vpon cõdicion that yf I pay or cause to be payde vnto you before suche a day such a summe of money, then it shalbe lawfull for me to entre agayne and retayne my landes in my former estate. In this case he ꝑ is the feoffee, is called tenaũt in morgage, whiche is as much to say as dede gage, and it semeth that ꝑ cause why it is so called, is for as much as it is doubtfull whether the feoffoure wyll pay at the day lymytted & ꝓclayred such sũme of money for the redemption of his landes or no, for yf he do nat, his tytle or entresse in the landes thus gaged and oppygnorate is vtterly extynct & gone without all hope of recouyre. Tenaũt in morgage

¶ Ye shall also note, that yf the morgageoure

dyeth before the day of payment, his heire may redeme the lande very wel, euen as wel as hys auncestour ꝑ morgaged the lande myght haue done, although there be no mencyon made of heyres in the wrytynge.

¶ Also yf when the money is lawefully by the morgagour or his heyre tendred and proffered, and ꝑ feffee refuseth to receyue ꝑ same ꝑ feoffour or his heyre may entre, & thā hath ꝑ feoffe no remedy for his money at the comon lawe.

¶ Ye shall vnderstande also, that some condicions be vtterly voyde in ꝑ law, & of none efficacye, vertue, or strength, as yf a feoffement be made of landes in fee simple vpon condicion, that the feoffee shal nat aliene or put away the same to none other, this condicion I saye is voyde, bycause the feoffee is restrayned of hys hole power that the lawe gyueth in suche fee vnto him, and whiche power and ly̆bertye, is in maner included in euery feoffement. Yet I may abbrydge hym of parte of his power, as to condicion with him that he shall nat alyene the landes to suche a persone or suche. But of gyftes in tayle otherwyse it is, for yf I gyue landes to a man and to the heyres of his body lawfully begotten vpon condicyon that he nor his heyres shal alyene the landes to none other persone, this condicion is good and effectuall in the lawe, and yf he or his heyres cōtrary to ꝑ condicion do alyene them, thā the gyuer or hys heyres may very well entre and retayne the lādes for euer bycause this condicion shall stāde with the forenamed statute of westmynster secōde whiche prohibyteth such alyenacyons to be made.

Condicions voide

Gyfte in tayle vpō cōdicion.

Hytherunto

¶ Hytherto haue I spoken of condicions in dede, nowe wyll I shewe what be condicions in lawe that be annexed to any estates.

Estates vpon condicions in lawe.

¶ Knowe ye therfore, that yf the office of a Parker, stewarde, Constable, Bedell, or baylyfe or such lyke office be graūted to a man for terme of his lyfe, though there be no condicion at all mencioned in the graūt, yet the lawe speaketh of a condicion in this case, whiche is that yf the partye to whom suche office is gyuen shall not execute all poyntes apperteynynge vnto his office accordyngly, by hym selfe or his lawfull deputye, it shalbe lawfull for the graūtour to entre and discharge him of his office and this condicion is called a condicion in lawe. There be also thre other maners of estates vpō condicion that is to saye, condicions agaynst the lawe, condicions repugnant, and condicions impossible.

Condicions agaynst the lawe.

¶ Fyrst estates vpon condicion agaynst the lawe be, as yf a man maketh a feoffement, gyft graūt or leale vpon condicion that yf the feoffeure, donoure, graūtoure, or lessoure kyll J. S. whiche is not the kynges enmy, or burne his house that then it shalbe lawfull to the feoffoure, donoure. &c. to reentre, this condicion is voyde and the estate is good.

¶ And lyke lawe is yf such condicions be to be performed of the parte of the feoffe, graūte. &c.

¶ But yf case be that a leale for terme of yeres be made of lande vpon condicion that yf the lessee kyll J. S. that then he shal haue fee symple although that he in this case performe the condicion, his estate is nothynge therby enlarged because the condicion is agaynst the lawe.

¶ Also ye shal vnderstande that where an obly-

Obligacion.

Condicions repugnant.

Condicions impossyble.

lygation is endowed with a condicion the whych is agaynst ye lawe: both the obligacyon & also the condicion be clerely voyde in the lawe.

¶ Estates vpon condicions repugnant be as yf a feoffement or a gyfte in tayle be made vpō condicion that the feffee, or donee, shall take no profyte or shall do no waste, and such other lyke suche condicions be voyde and the state good and effectuall in the lawe notwithstandynge.

¶ Also yf a lease be made for terme of lyfe vpō condicion that he shal do no fealte this is a voyde condicion.

¶ Lykewyse it is yf a man that hath nothyng in the manor of Dale graunteth a rent charge goynge out of the same vpon condicion ye his person shal not be charged this graūt is good and the condicion voyde.

¶ Estates vpon condicions impossyble be as yf a feffement be made vpon condicion that yf the feffee goeth not throughe the see on fote to Caleys in one day then it shalbe lawefull to the feffee to reentre, this is a frustrate & voyde condicion and yet the state is good.

¶ Lyke lawe is of a lease made for terme of yeres. &c. or an obligacion with a condicion impossible. vt sup. the obligation, or lease is good and condicion voyde to all purposes.

¶ An acte howe straūgers shal take auauntage of condicions made. An. xxii. H. viii.

IT is inacted that aswell person whiche haue or shal haue any gyft or graunt of the kynge by his letters patentes of any landes, personages, tyties, or other hereditamentes, or of any reuersion of the same which ought belonge

belonge to any monastery or other ecclesiastical house dyssolued or otherwyse comme into the kynges handes syns the.xiii. day of Febr uarye in the .xxvii. yere of our souereigne lorde kyng Henry the eyght, or whiche at any tyme hereto fore dyd belonge to any other person, and after came into the kynges handes, as also all other persons beynge grauntes or assygnes to the kynke or to any other person, theyr heyres executours, successours, and assygnes, shall haue lyke auauntage agaynst ỳ fermours, theyr executours, admynistratours & assygnes by entey for nat payment of the rent, or for doyng wast or other forfayture, & also shall haue ỳ same auaũtage by accion only for nat ꝑformynge of other cõdicions couenãtes or agremẽtes cõteyned in the indẽtures of theyr leeses or graũtes agaynst the sayd fermours, and grantes, theyr executours, admynistratours, & assygnes, as ỳ sayde lessours or grauntours thẽ selues myght haue had at any tyme. And agayns mutually and on the other syde, the sayde fermours, and graũtes for terme of yeres, lyfe, or lyues, theyr executours, admynystratours, & assygnes shall haue lyke auaũtage agaynst thẽ for any condicion couenãt or agrement cõteyned in the sayde indenture, as they myght haue had agaynst theyr sayd lessours & graũtours theyr heyres & successours all benefytes & aduaũtage of recouerye in value by reso of any warraty of dede or in lawe by voucher or otherwise only except ¶ Prouyded that this acte shal nat extende to charge any person for breche of any couenaunt or condicion comprysed in any such wrytynge, but for suche as shalbe broken and nat perfor-

med

med after the fyrst daye of September in the. xxxii. yere of this kynge and nat before.

¶ Lyuery of seasen, and attornement.

IN all feoffementes, gyftes in tayle, leases for tme of lyfe, or for tme of a nothers lyfe, of tēdes or tenementes, there can be no alteracyon or translmutacyon of possessyon by the auncyent lawes of this realme on lesse there be a certayne ceremony adhybyted and solempnyzed in the presence and syght of neyghbours or others, whiche ceremony is called lyuery of seasen.

The maner of lyuery of seasen.

¶ And ye shal vnderstāde, that this ceremony of lyuery seasen is done, whan the feoffour, donour, lessour or theyr Deputye come with the neyghbours solempnly to the landes or tenementes, and they put the feoffe, donee or lesse in possessyon of the sayd landes or tenementes by delyuerynge vnto him a clodde of erth or ꝑ rynge of the dore, or some other thyng in the name of seasen, and for this selfe cause this ceremonye of lawe is called lyuery of seasen that is to say a tradicion or gyuynge of seasen.

Dyuersite betwene possession and seasen.

¶ But this ceremony is nat requyred in lesses for terme of yeres or in lesses at wyl forasmuch as the lessour in suche case remaynyth styll seased, and the lessee hathe onely possessyon without the seasine, and therfore the termes of the lawe be, that such a man is possessed, where as in feoffementes, gyftes in tayle, and leases for lyfe, he is called seased.

where

¶ Wherfore yf a feoffement or lease for lyfe be made of landes or tenementes and before ꝑ the lyuery of seasine be made the feffour dyeth the heire of the feoffour shall haue the landes per summū ius, that is to say by the rigour of the lawe, notwithstādynge that the feffee hath payde to the feffour the ꝑyce of the lande, and although the feffee be in possession. But otherwyse it is of a lease for terme of yeres.

¶ A lyke ceremony is vsed, whan rent charge rent seruyce, rent in grosse, auowson in grosse, a vyllayn in grosse, comon in grosse, comon for beastes certayne, escuages, & suche other thynges as passe by way of graunt, be graunted for it is no full & ꝑfyte graūt, tyl it be cōfygnate & sealed as it were wt ꝑ ceremony of attornemēt

¶ This attornement is nothinge els, but whē the tenaunt of the lāde of which the reuersyon is graunted, or out of whiche a rent is graūted do make some euydent sygnyfycacion and tokē that he accepteth the person of whō the graūte is made to be in the same respect vnto him that the grauntour was. As for an example, yf the tenaunt of the lande after he haue herde of the graunt cōmeth to the grauntee that is to wyt, to the person to whom the graūt was made & say in this wyse, or in lyke effecte.

Attornement.

¶ I agree me vnto the graunt made vnto you by suche a man, or I am well apayde & cōtēted of the graūt ꝑ such a mā hathe made vnto you But the most vsuall & frequent forme of attornement is to say. Syr I attorne vnto you by force of the sayd graunt, or I be come your tenaunt, or to delyuer vnto the grauntee a penye or a halfe peny by way of attornement.

Howe attornemēt shalbe made.

yf

☞ Yf a man maketh fyrst one graunt to one perſon, & after another to a nother perſon that graunt ſhall ſtande to whiche the tenaunt wyll atturne althoughe it be the latter graunt.

☞ And ye ſhal note, that yf a man be ſeaſed of a manour whiche is percel indemeyne, & percell in ſeruyce, and dothe alyene the ſame Manour to another, oneleſſe the tenaũtes of ỹ manour do atturne ỹ ſeruyces ſhal nat paſſe, only tenauntes at wyll excepted, for it nedeth nat to cauſe them to atturne.

Dyuerſyte.

☞ Note furtherm̃ore there is a great dyfference betwene gyuynge a peny in name of ſeaſyne, and gyuynge by way of atturnement, for when it is gyuen of the tenaunt to that graunt in the name of ſeaſine, it doth nat onely implye an atturnement, but alſo it gyueth him ſuche a ſeaſyne, that yf the rent afterwarde were behynde and nat payde, he maye nowe vpon the ſeaſine of the peny, aft̃ a lawful diſtres take & after reſcous made, bryngе an Aſſyſe of Nouel diſſeaſin, where as yf it were gyuen onely by way of atturnement he couldе nat bryngе the Aſſyſe, but his wryt of Reſcous onely.

Aſſyſe.

Wryt of Reſcous.

¶ Alſo ye ſhal vnderſtande, that where lãdes be deuyſable by teſtamẽt by the cuſtome of any auncyent borough or cyte, yf there the reuerſyon of any landes be by teſtament bequethed to a man in fee, and the teſtatour which we cal the deuyſour dyeth the deuyſe, that is to wyte he to whome the deuyſe was made hath forth with the reuerſyon in him without further ceremonye of atturnement. Lykewyſe it is yf a man by teſtament doth bequeath a rent charge that he is ſeaſed of, or a rent ſeruyce, there nedeth

Atturnement is

veth none attournement at all.

¶ Yf two ioyntenauntes be of lande and the lorde graunteth the ſeruyces to another, yf one of the ioyntenauntes attourneth it is ynoughe. Fynally, yf a leafe be made for terme of lyfe, ꝑ remaynde to another in tayle, the remaynder ouer to the ryght heyre of the tenaunt for time of lyfe, yf in this caſe the tenaunt for terme of lyfe will graunt hys remaynder in fee to another by his dede, this remaynder paſſeth forth with without any attournement, for yf any attournement were requyſite, it ſhulde be made of the tenaunt for terme of life, which in this caſe is the grauntour him ſelfe. And in vayne it is ꝑ the grauntour ſhulde be inforced to attourne, ſyth an attournemēt is adhibited & had to none other purpoſe, than to haue the cōſent & agrement of the partyculer tenaunt, to thintēt ꝑ it may appere, that he hath notyce and knowlege of this graunt but here where as ꝑ gticular tenaūt him ſelfe is the grauntour, an attournemēt were ſuperfluous, and more than nedeb.

nat acquit lyth.

☞ Note furthermore ꝑ where there is lorde and tenaunt and the tenaunt leaſſeth his tenementes to a woman for lyfe le remaynder ouer in fee the woman taketh a huſbāde & after the lorde graūteth the ſeruyces. &c. to the huſbāde in this caſe durynge the couerture the ſeruyces be put in ſuſpence. But yf the wyfe dye ſyuyng the huſbande, the huſbande & hys heyres ſhall haue ꝑ rent of thē in the remaynder. &c. And in this caſe there nedeth no attournemēt by worde bycauſe the huſbande that ought to attourne accepteth ꝑ graūt of ꝑ ſeruices the which acceptaunce is one attournement in the lawe.

Huſbōde

of

Hytherunto haue I briefly touched & ouerrune the ſundry kyndes and formes of eſtates. Now forasmuch as there is no tenure but hathe vnto it ſome ſeruyce knyt and annexed, it were very neceſſary to declare howe many kyndes of ſeruyces there be, & what ſeruyce is due to euery tenure. For the knowlege hereof ye ſhall vnderſtande, that the principall and moſt common kynde of ſeruyce that the tenaũt oweth to his lorde is called knyghtes ſeruice.

¶ Knyghtes ſeruyce.

Knyghtes ſeruyce includeth homage, fealtie and for the moſt part eſcuage, and whoſoeuer holdeth his lãdes by knyghtſ ſeruyce, is bounde by the lawe of this realme to do vnto his lorde homage and fealte, and to pay for moſt parte eſcuage, when it ſhalbe aſſeſſed by authoritie of parliamẽt, as hereafter more playnly ſhalbe declared.

Homage

¶ Homage is the moſt humble and reuerent ſeruyce that a man of fre eſtate & cõdicion can do, for when the tenaũt ſhal do homage to his lorde, the lorde ſhall ſytte and the tenaunt ſhall kneele before him vpon bothe knees, holdynge his handes betwene his lordes handes, and ſay in this wyſe. I become your man frõ this day forthwarde of lyfe and of mẽber and of earthly honoure, and to you ſhalbe faythfull and true and fayth to you ſhal beare for the landes þ I clayme to holde of you, ſaluynge the fayth þ I beare vnto our ſoueraygne lorde the kynge, & then the lorde ſo ſyttynge ſhal kyſſe hym. But yf an eccleſiaſticall perſon whiche by his order

Howe þ tenaũt ſhal do homage.

and

and profession hathe addicted hym selfe to the seruyce of God in especyal, shall do homage to his lorde he shal say: I do to you homage, and shall be to you faythfull and true, and fayth to you shall beare for the tenementes that I holde of you, sauynge the fayth which I owe to our soueraygne lorde the kynge.

What a religious person shal saye whā he dothe homage.

☞ Also when a woman nat maryed dothe homage to her lorde, she shal nat say, I become your woman, for it is nat cōuenīēt þ a woman shulde be the woman of any other then of her husbande that she shall marye, but shall saye euen as the ecclesiastical person sayth: I do vn to you homage. &c.

What a woman shal saye.

¶ And yf perchaunce a man holdeth sundrye landes and tenementes of sundry lordes, and euery of them by knyghtes seruyce, then in the ende of his homage makynge he shall saye sauynge the fayth þ I owe to our soueraygne lorde the kynge, and to myne other lordes.

☞ And none is bounde to do homage to the lorde, onles it be suche a tenaūt as hath in þ tenaūtrye an estate of fee symple, or fe tayle, eyther i his owne right, or in þ ryght of another.

What tenaūt shal do homage.

¶ For yf a woman haue landes or tenemētes in fe symple or fee tayle, whiche she holdeth of her lorde by knyghtes seruyce, and taketh an husbande and haue issue, in this case the husbande in the lyfe of his wyfe shall do the homage, because he hathe a tytle to haue the landes by the curtesy of Englande yf he ouerlyueth her, and also he holdeth them nowe in his wyues ryght, yet before issue hadde betwene them the homage shall be made in bothe theyr names. But yf the woman dyeth before any

homage made in her lyfe, & the husbãde in her lyfe, and the husbande kepeth styll the landes as tenaunt by curtesy, nowe he shall nat do homage to his lorde bycause he hathe nowe an estate but for terme of lyfe.

Fealtie. ☞ Fealtie is as much to say as a fidelitie or faythfulnes, in doynge wherof the tenãt shall holde his hande vpon a booke, and saye thus.

Howe a tenãt shal do fealte. Heare you this my lord, I to you shal be fayth full and true, and fayth to you shall beare for ỹ landes and tenementes, whiche I clayme to holde of you, & duely shall do you the customs and seruyces whiche I owe to do you at ỹ termes assigned, as me helpe the God & his saintes And then he shall kysse the booke, but he shall nat kneele as he that doth homage, nor do such humble or reuerent seruice as is before declared in homage.

Dyuersitie betwene homage & fealte. ¶ And ye shall obserue, that homage can nat be done but to the lorde him selfe, where as the stewarde of the lordes court or the baylife may take fealtie for the lorde. Also tenaunte for terme of lyfe shall do fealtie, but homage as I sayde, he can nat do.

Escuage ☞ Nowe as concernynge escuage, that is to say, the seruyce of the shylde ye shal vnderstãde, that he that holdeth his lãdes by escuage, whẽ the kynge maketh a vyage royall into Scotlande for the subduynge of the Scotte, is bounde to be with the kynges Maiestie by the space of xl. dayes well and conuenyently arayed and appoynted for the warre. And he that holdeth his lãde but by the moytie of the fee of knyghtes seruyce, is bounde by the force of his tenure to be with the kyng by the space of xx. dayes, and

so

so proporcionably accordynge to the rate and quantitie of his tenure.

¶ But nowe to our institute and purpose, after this vyage ryall into Scotlande, in whiche the kynge goeth in persone, and after the retryr into Englande agayne, a parlyament is wont to be commoned, in which shalbe prescribed and assessed whan euery person that helde his lande by homage and went nat with the kynge neyther he him selfe, nor by his deputie, shall pay to his lorde in satysfaction of his nat seruynge, and accordynge to the taxion hereof euery tenaũt shall paye to his immediate lorde whether it be the kyng or other after the rate & porcyon of his tenure yf he holdeth by an hole fee, he shall paye the hole escuage, yf by a moyte, the halfe, yf by the fourth parte of a fee ꝑ fourth parte. &c. and this money thus assessed is called scutage or escuage, for which the lorde to whome it is due, may very wel for the none payment therof distreyne. Parlyaments. Dystres for escuage.

¶ But here it is to be noted, that some tenaũtes by custome vsed tyme out of mynde are bounde to paye but the moyte, or the thyrde parte of that whiche shalbe assessed and ymputed by acte of parlyment.

¶ Yea, and the custome is in some place, that to what summe of money so euer escuage is assessed, the tenaũtes shall pay neuer but such a certayne summe of money and this kynde of escuage is called escuage certayne, that is to say where escuage is assessed by the parliamẽt to a more or lesse summe the tenaũt to pay to ꝑ lorde. v. s. and no more nor no lesse. &c. suche a tenure is called Hocage tenure ꝑ nat knyghtes Escuage certayne.

ſeruyce, where as the other is called eſcuage vncertayne.

Eſcuage vncertayne.

☞ Finally ye ſhall vnderſtãde, that eſcuage vncertayne is alwayes adiuged to be knightes ſeruyce, and dyaweth, vnto it warde, marpage and reliefe, but eſcuage certayne is no knyghtes ſeruyce but is of ꝑ tenure of ſocage as ſhal be hereafter more amply ſhewed.

¶ Of warde mariage and reliefe.

EVery knyghtes ſeruyce dyaweth vnto it, warde, mariage, and reliefe. Wherfore it is nowe ryght expedient ſomewhat to entreate of them.

Warde.

¶ Ye ſhall therfore be admonyſſhed, ꝑ when the tenaunt which holdeth his lande by knyghtes ſeruice dyeth, his heyre male beynge at that tyme within the age of .xxi. yeres, the lorde ſhal haue the warde, that is to ſaye, the cuſtodye or keppynge of the landes ſo holden of hym to hys owne vſe, and profyte, tyll the heyre commeth to the full age of xxi. yeres. For the lawe here preſumeth that tyll he come to this age, he is nat able to do ſuch ſeruyce, as is of this tenure requyred. Furthermore yf ſuche heyres be vnmaryed at the tyme of the death of the tenaunt, then the lorde ſhal haue alſo the warde and the beſtowynge of the marpage of him.

mariage.

The full age of a woman.

¶ But yf tenaunt by knyghtes ſeruyce dyeth, his heyre female beyng of the age of .xiiii. yeres or aboue, then the lorde ſhall haue the warde neyther of the lande ne yet of the body of ſuch an heyre, and the reaſon hereof is bycauſe a woman of that age may haue a huſbande able

to do

to do knyghtes seruyce that is to say, to wayte vpon the kynges maiesties persone when he auaunceth into Scotlãde with his army royall.

☞ But yf suche an heyre female be within age of.14.yeres & nat maryed at ỹ tyme of the death of her auncestour, thẽ the lorde shal haue the warde of the lande holden of him tyll such heyre female commeth to the age of.xvi.yeres, by force of an acte of parliament in the statute of Westminster the fyrst. Capi.xxii.

¶ Note that there is a greate diuersitie in the lawe betwene the ages of females & of males, for the female hathe these many ages appoynted by the lawe. Fyrst, at.vii.yeres of age the lorde her father may distrayne hys tenauntes for ayde to mary her Seconde at.ix.yeres of age, she is dowable. Thyrdely, at.xii.yeres she is able to assent to matrymonye. Fourthly at.xiiii yeres she is able to haue her lande, and shall be out of warde yf she be of this age at the deth of her auncestour. Diuersyte of age. Age of a woman.

¶ Fyfthly, at. xvi.yeres she shall be out of warde, though at the death of her auncestour she was within age of.xiiii.yeres.

Syxtly, at.xxi.yeres she is able to make alienacions of her lãdes or tenementes. where as the man hath but two ages, the one at.xiiii.yeres to haue his landes holden in socage, and to assent to matrymony, the other at.xxi.to make alienations. The age of a man.

☞ Ye shall vnderstande that by the statute of Wertone, the fyrst chapiter, it is enacted ỹ if in case the lorde do marye theyr warde to vyllaynes or others, where is dispargement, yf such heyres so maryed be vnder the age of.xiiii.

yeres or of suche age that the sayde warde can nat consent to the maryage, then yf the kynsmen of this heyre complayne and kele themselues greued with this vnmete maryage, the next of kynne to the heyre, vnto whome the heritage can nat descende, may entre into ꝑ landes, and put out the lorde whiche is gardeyne in chiualry, and yf the nexte kynesman wyl nat thus do, another kynsman of the infante may do it, & shal take the issue & profites to the vśhoulde & vse of the heyre, & shal yelde accõptes therof vnto him whan he commeth to his full age.

Accompt gyuynge.

☞ Also there be diuers other dyspargementes, which be nat expressed in the sayd statute, as yf the heyre beynge within age of consent, & in warde, be maryed to a decrepite person or creppil as to one that hath but one fote or one hande, or that is a deformme creature, or hauynge any horyble disease or contynuall infirmitie. All these and such lyke be dispargementes. But here also ye shal vnderstande, that it shal be sayde no dispargement, onles the heyre be so maryed when he is within the age of discrecion, that is to sayer within the age of .xiiii. yeres. For yf he be of that age or aboue and cõsenteth to such maryage, it is no dispargemẽt neyther shal the Lorde for suche maryage lose his warde, bycause it shalbe reputed and assigned to the folye of the heyre beynge of age of discretion, to consent to suche maryage.

Diuers dispargemẽtes.

¶ Nowe yf the lorde, than beynge gardeyne offre to the heyre beynge in his warde a conuenyent maryage without dyspargemẽt, and the heyre refuseth it, as he may at his choise and election very well do, than the lorde shal haue ꝑ

value

value of the maryge of suche heyre whan he cō meth to his full age. But yet yf he mary him selfe beinge so in warde agaynst the wyl of his gardeyne, than he shal pay the double value by force of ꝑ statute of Merto before remembred. Value of mariage.

☞ And ye shall note, that if landes holden by knyghtes seruyce descēde to an infant or chyld within age frō his mother or from any of his auncestours, his father beinge yet aiue, i this case the lorde shal nat haue the maryage of his heyre. for durynge the lyfe of the father, ꝑ cōe shalbe in warde to no man. Double value of mariage. One shal nat be warde lyuyng hys father.

¶ Finally, it is to be knowne, that he which is gardeyne in cheualry i right, may after he hath sealed the warde, graunt the same eyther by dede or without dede to another man and than he to whom such graunt is made is called gardeyne in layte.

☞ Nowe as touchynge relieke, ye shal know that if a man holdeth his lāde by knyghtes seruyce & dyeth his heire beynge of full age (ꝑ ful age of the male is. xxi. yeres of the female. xiiii) then the lorde of whom the lande is holden shal haue of the heyre relieke. Relieke.

¶ Note ye ꝑ al Erles Barons or any other ꝑ kynges tenaūtes holdynge of him in chiefe by knyghtes seruice dye and at ꝑ tyme of his deth his heyre be of full age that is to say. xxi. yeres he ought to pay the olde relieke for his inheritaūce, that is the heyre or heyres of an Erle for an hole Erledome one hundreth pounde. The heyre or heyres of a Barone for an hole barony one hundred markes. The heyre or heyres of a knyght one hundreth shyllinges and he ꝑ hath lesse, shal gyue lesse accordynge to the olde cu-

some of fees, lyke lawe is obserued of al other that holdeth of any other ther lordes immedyate vt supra.

¶ Also a man may holde landes of a lorde by two knyghtes fees, & thā ꝑ heyre beynge of ful age at the deth of his auncestours, shal paye to his lorde for relyefe. x. poundes.

¶ Seruyce of castell garder.

YE shall vnderstande ꝑ a man may holde by knyghtes seruyce and yet nat holde by escuage, nor shall pay no escuage, for he may holde by castell garder, that is to saye: by seruyce to kepe a towre of his lordes castel, or some other place, vpon a reasonable warnynge, whan his lorde hereth that ennemyes wyl come or be al redy come into Englande.

Grounde i the lawe.

¶ This seruyce is also knyghtes seruyce, and draweth to it warde marpage and relefe, as in all cases the comon knyghtes seruyce dothe.

¶ Of grande sergeantie.

THere is also another kynde of knyghtes seruyce, whiche is called grande sergeantye, that is where a man holdeth hys landes or tenemētes of ꝑ kynge by such seruice as he oweth to ꝓper ꝑson to do, as to beare the baner of our soueraygne Lorde the kynge or his spere, or to conducte his hoste, or to be his marshall or to be ꝑ sewar, caruer, or butlar at the feaste of the coronation, or to be one of ꝑ chamberlaynes of ꝑ receypt or his eschequere, or to do lyke seruyces to the kynge in ꝓper ꝑsone

tone, suche maner of seruyce I saye, is called grande sergeantie, that is to saye a great or hygh seruyce, and the cause why it is so called, is bycause it is the moste honorable and moste worthye seruyce that is, for he that holdeth by seruage is nat appoynted by hys tenure to do any other more specyall seruyce than another is bounde þ holdeth by seruage, but he that holdeth by grande sergeantie, is bounde to do some specyall seruyce to the kynge.

The most hygh seruyce.

☞ Also yf he that holdeth of the kynge by graunde sergeanty dyeth, his heyre beynge of full age, than the heyre shal pay to the kyng for relieke, nat onely. C. s. as he that holdeth by seruage shal do, but moreouer the clere yerely value of those lādes & tenemētes which he so holdeth of the kynge by graunde sergeauntye.

Relief of the tenāt by graūd sergeantie.

¶ Furthermore ye shall obserue that in the marches of Scotlande some men holde of the kynge by cornage, þ is to saye, by blowynge of an horne to thintent to warne the men of the cōtrey when they heare that the Scottes or other theyr enemyes be commynge or be alredy entred into Englande whiche seruyce is also a kynde of grande sergeantye.

Tenure by cornage.

¶ Grande sergeantie therfore is as muche to saye in Latyne, as magnum seruitium, that is to say, a greate or hyghe seruyce, lyke as petite sergeantie is called Paruum seruitium, that is to saye: a lytle or small seruyce.

Diffinitiō of sergeantie.

¶ But to reuert agayne to the mater ye shall note yf any tenaūt holdeth of any other lorde thā of þ kynge by suche seruice or cornage, thē it is no grande sergeātie but yet neuertheles it is knyghtes seruice, & drayweth to it warde mar-

Rule in the lawe.

ryage and relefe for this is a rule infallible þ none can holde by grande sergeantye but of the kynges owne maiestye.

¶ Finally ye shal vnderstãde, þ al they which holde of the kyng by this seruyce called graũde sergeantie do holde of the kynge by knyghtes seruyce, and by vertue of this tenure the kyng shal haue of thẽ warde maryage & relefe, but escuage yet he shall nat haue of thẽ onles they holde by escuage of him by expresse and specyal wordes.

¶ Petite sergeauntie.

Petite sergeantie is sergeage in effecte.

Enaũt by Petite sergeantie is he that holdeth his lande immediatly of our soueraygne lorde þ kynge by this maner of seruyce, to pay to the kynge yerely eyther a Bowe, a Spere, a Dagger, a payre of Gauntlettes, a payre of Spores of Golde, a Shafte, or such other small thinges appertainige to the warre and this seruice is i effecte but socage, bycause that such a tenaunt is nat bouũde by his tenure to go ne do any thynge in his owne proper persone touchynge the warre, but onely to rẽdre & pay yerely certayne thynges to the kyng, as a man ought to pay a rent. Wherefore thys seruyce of petite sergeanty is no knyghtes seruyce, but yet ye shall note, that a man can nat holde neyther by petite sergeantie, neyther by graunde sergeantie, but of the kynge onely.

¶ Homage auncestrell.

Enaũt by homage auncestrell is he which holdeth his lande of his lorde by homage and bothe he and his auncestours whose heyre

he

he is haue holden the same lande of the sayde Lorde and of his auncestoures time out of mynde by homage and haue done vnto them homage, and this is called homage auncestrell, by reason of the longe contynuance which hath bene by tytle of prescryption as well concernynge the tenaynsy in the bloude of the tenaunt, as concernynge the lordeshyppe in the Lorde. And this seruyce of homage auncestrel drayweth vn to it warrantye (that is to saye) yf the Lorde whiche is nowe in lyfe hath ones receyued the homage of his tenaunt, he ought to warrant the same tenaunt, what tyme so euer he shalbe impleaded or sued for suche lande so holden of him by homage auncestrell.

Warrantie by cause of homage auncestrell.

¶ Moreouer such seruyce of homage auncestrell drayweth to it acquital, that is to saye, the lorde ought to acquite the tenaunt agaynst all other lordes that can demaunde any manor of seruyce of the tenaunsye.

Acquital.

¶ Wherfore yf in this case the tenaũt which holdeth by homage auncestrell be impleaded of his landes, and vouched or calleth his Lorde to warrantie, who commeth in by proceſſe and demaundeth of the tenaunte what he hathe to bynde him to the warrantie, and the tenaunt sheweth howe he and his auncestours, whose heyre he is, haue holden his landes of him & of his auncestours tyme out of mynde, surely the lorde yf he can nat denye this, and yf he hath receyued the homage of suche a tenaunt, is bounde by the lawe to warrant him his lande, so ꝑ yf the tenaunt lose his lãdes in defaute of ꝑ lorde thus vouched, that is to say, called to warrantye, he shall recouer agaynst him, so muche in

Voucher

value

value of thoſe landes and tenementes whiche ꝑ
lorde had at the tyme of callyng to warrantye
or at any tyme after. But yf the lorde neuer re-
ceyued the homage of his tenaunt, then he may
very wel whē he is thus vouched diſclayme in
the lordeſhyp or ſeignory, and ſo put out the te
naunt of his warrantye. Where ye ſhall note
that in euery cale where the lorde diſclayme in
his ſeignorye in court of recorde, his ſeignorye
or lordeſhyp is extincte, & the tenaũt ſhal holde
frothenceforth of the nexte lorde to him that
thus diſclaymed.

Diſclay-
me.

¶ Thus ye perceyue that homage auncеſtrell
is nat but where as is a longe cõtynuaunce, as
wel in the blode of ꝑ tenaunt in reſpecte of his
tenaũcy, as in the blonde of ꝑ lorde i reſpect of
his ſeignorye. Wherfore yf the tenaunt dothe
ones alyene his landes to another, although he
purchaſe the ſame agayne, yet he ſhal nat holde
any longer by homage auncеſtrell byeauſe of
this diſcontinuaũce, but ſhall holde it nowe by
the volgare and accuſtomed homage.

¶ Of lyuerys.

Tenaũt i
chiefe of
the kyng.

When one dyeth which helde of the kynge
by knyghtes ſeruyce in capite, that is to
ſaye in chiefe, his heyres beynge within
age, the kynge (as is before declared) ſhall haue
the warde and cuſtodye aſwel of the land is as
of the body that is to wyt the marryage yf he be
vnmaryed. But yf the heyre be of full age at ꝑ
tyme of the deth of ſuch auncеſtour, yet ſhall ꝑ
kynge by his prerogatyue royal haue prymer
ſeaſon of all the landes tenementes and other

Prymer
ſeaſin.

heredi-

hereditamentes wherof such his tenaunt was
seased in his demene as of fee. And yf suche an
heyre woll entre into his landes when he com-
meth to his full age before he sue his lyuerye &
receyue seysyn by the kynge, no free holde shall
accrewe nor growe vnto him but he shalbe de-
med an intruder in the kynges possession. Yea
and yf he dye so seised in the meane tyme, his
wyfe shal haue no dowre of suche lãdes, where-
fore it behoueth in any wyse ꝑ such heyre aswel
male as female cõmynge to full age before he
or she entre into theyr lande to sue lyuery. The
maner and forme wherof according to the acte
of parlyament lately promulgated and set forth
I intende briefely to recyte.

Intruder of ꝑ kynges possession.

¶ Howe heyres ought to sue theyr lyueryes,
inacted. xxviii. Henri. viii.

Cap. xxii.

NO person or persones hauyng
landes or tenementes aboue ꝑ
yerely value of v. li. shall haue
any lyuerye before inquisition
or office founde before thescheto-
tour or other commissioner by
vertue of the kinges wrytte of
diem clausit extremũ or cõmission directed out
of the chauncerye or other courtes hauynge au
thorytie to make such wrytes or commissiõs,
whiche shall not passe out of the same but by
warrant or byll assigned and subscrybed by the
mayster of the wardes or lyueries, the surueyo-
our, atturney and receyuour of the sayd courte
or. iii. li. or one of them to be directed and dely-
uered to the Chaũcelear of Englãde, or to any
other

wrytte of diẽ clausit extremum.

other chaunceler or officer haupnge power to awarde suche wrytes. And for the wrytyng & sealynge of the same shalbe payde the accustomed fees. But yf the lādes exede nat the clere yerly value of .v. li. thē they shal pay for ꝑ seale of euery such wryt or cōmyssion .vi.d. & for the wrytynge syxe pens, and nat aboue.

¶ And the inquisitions and offyces here vpon founde shalbe returned by the sayd exchecours or commissioners in to the same courte from whense the wrytte or commission was awarded, whiche done, the clerkes of the petye bagge shal receyue the same offycers and make a transcripte therof to the sayd Mayster of the wardes & lyuerpes. And thē the sayde mayster and the surueyour attorney and general receyuour, or. iii. of them wherof the mayster or surueyour to be one, shall couenaunt and indent with suche persones for theyr lyuerye of the tenures, manours, lordshyps, landes tenementes and hereditamentes cōprysed or nat cōprysed in suche offices, and shall make and set the rate and pryce for the same, and appoynt the dayes of payment therof by obligation to be take for the same to the kynge.

¶ And euery byll for any speciall or generall lyuerye assygned by thandes of the sayd mayster, surueyour, attorney, receyuour or. iii. of thē, wherof ꝑ mayster or surueyour to be one, shalbe warrāt sufficient to the lorde Chaunceler or other officer haupnge power to passe lyuerpes vnder any of the kynges seales accordyngly. In whiche case the clerkes of the petybagge, or other clerges by whom the lyuerpes be wrytten shal receyue alwel for thē selues as

for

foꝛ others such fees as hathe bene accustomed.

¶ Item euery person may sue at his pleasure a generall lyuerye foꝛ any manours, landes, tenementes, rentes, reuersions, remainders, oꝛ other hereditamentes wherof the clere yerely value shall nat exceede .xx.li. Pꝛouyded that an office be therof founde and a warrant fyrste obteyned of the sayd mayster and others as is aforesayde. Generall lyuerye.

¶ And where such generall lyuerye is sued, yf the landes exceede the yerely value of .v.li. they shall pay foꝛ the Seale .xx.s.iiii.ꝺ. and al other fees accustomed as afterwarde shalbe declared But yf they exceed nat the yerely value of .v.li. they shal pay but these fees folowynge, that is to say, foꝛ the seale of the lyuerye .xii.ꝺ. To the clerkes of the petty bagge foꝛ the waytynge & the inrollynge .xx.ꝺ. Foꝛ the respyte of the homage in the Hanaper eyght pens. To the lorꝺ greate Chamberlayne twenty pens. To the maysters of the Rolles .xx.ꝺ. And to the clerke of the lyuerye foꝛ the warrant and inrollynge of the lyuerye .xx.ꝺ.

¶ Item no person oꝛ persones shall paye in the chequer oꝛ any other courtes foꝛ ỹ respecte of homage foꝛ any lãdes oꝛ hereditamẽtes nat exceedynge the yerely value of .x. pounde, aboue eyght pens. And foꝛ the entrynge therof and warrant of atturney aboue .iiii.ꝺ. Respyte of homage.

☞ And the value of suche landes and hereditamentes nat exceedynge the yerely value of .xx.li. shall be taken as it is lympted in the offices founden therof except by the examinacion and certificat of the sayd mayster surueyoure, atturney, and receyuoure, oꝛ thre of the, it shall

otherwyse

otherwyse appere and be declared in any of the kynges courtes.

¶ Also no Escheatour shall sytte onelye by vertue of his office for inquirye of the tenure tytle or value of any landes or other hereditamentes holden of the kynge beynge of ꝑ yerely value of.v.li. or aboue without the kynges wrytte to him directed vpon payne to forfayte v.li. for euery tyme he shall so do. Nether shall he take for the fyndynge of any office of landes nat exceadynge ꝑ yerely value of.v.li aboue.xx s. that is to saye.vi.s.viii.d. for his owne fee. And iii.s.iiii.d. for wrytynge of the office.

Paine of forfeture

Fees of an office.

☞ And for the charges of the iury.iii.s. And for the officers that shall receyue the office in any courte of recorde ii.s. vpon payne that the escheatour wyng otherwyse shal for euery tyme forfayte.v.li. And vpō lyke payne the officers of euery courte of recorde where suche inquisitions shalbe retourned, beynge offred vnto thē within one moneth nexte after ꝑ fyndyng ther of, shal receyue thē. The one moyte of al which forfaytures to the kynge, and thother to ꝑ partye that wyll sue for the same. &c.

¶ And they which hereafter shalbe in case to sue lyuerye whose landes and tenementes exceede nat the yerly value of.v.li. may lawfully sue forth theyr generall lyuerye by warrāt had from the sayd court as is a foresayd, although none other inquisition be therof had nor certefyed, payeng neuertheles the fees before remēbred.

¶ Fynally euery person shal sue forth his patent for his lyuery within thre monethes nexte after the assignement of his byll, or els hys byl.

assigned

assignes to be voyde and of none effecte.

¶ Hereafter ensueth the fees accustomed of the generall lyuerys.

¶ Fyrste to the clerkes of the petty bagge for the respecte of homage and feaute the writyng and inrollynge.xliii.s.ii.d. To the lorde greate Chamberlayne.xl.s. To the mayster of the rolles.iii.li. To the clerkes of the lyuerys for wrytynge of the Indentures & obligacions.xx.s. betwyne counsell.

¶ The fees of the Iperyall lyuerye accustomed to be payde be these folowynge that is to say for the Wygnet.iii.li.x.s. for the pryue sayle xxx.s. for the great sayle.xlii.s.viii.d. To the clerkes of the petye bagge.xl.s. To ỳ mayster of the lyuerys clerke.xl.s. for the enrolment of the knowledge of thendenture.xii.s. To ỳ lorde great chãberlayne of Englãde.xl.s. for ỳ wryt of allowaunce for the same lyuerye.x.s.vi.d.

¶ And note ye that sometyme in speciall cases the fees be more and sometyme lesse as the cale and matter doth requyre.

¶ Hytherto haue we briefly touched all kyndes of knyghtes seruyce, and thynges incident to the same. Nowe well we with lyke briefnes declare thother kindes of seruices whiche cõmõly be coupled vndee the generall name of Socage For euery lande or tenemẽtes eyther it is holde by knyghtes seruyce, or elles it is of socage tenure or at the leest way of the nature of socage tenure, which in effecte is all one.

Wherfore fyrste we shal defyne what Socage is in the proper signification, whiche done, we shall peruse ỳ other kyndes of seruyce whiche be of the nature of Socage tenure.

Of Socage.

What Socage tenure is.

Socage is properly where the tenaunt is bounde to come with his Lorde his plowe to tare and sowe parcel of the demene landes of his Lorde, which seruice in auncient tyme was very comon, but now by the mutuall consent both of the lorde & of the tenaunt is conuerted for the most part into a yerly rent. Howe be it the name of Socage abydeth styll. Wherfore now al that is not knyghtes seruyce is called by the name of Socage.

¶ So that yf a man holdeth by fealtye onely or by fealtye and homage for all maner of seruyce, it is but Socage tenure for homage alone maketh not knyghtes seruyce, yea yf a man holdeth by dyuerse certayne seruyces as I haue sayde hereto fore, he holdeth in effecte but by Socage.

¶ Howe where a man holdeth his landes by Socage & dyeth, his heire beinge within the age of xxi. yeres, the lorde shall not haue the warde but the next of kynne to the heyre to whom the heritage can not descende shall haue the tytle and wardeshyppe as well of the lande as of the heyre, tyll the heyre come to the age of .xxi. yeres, and such tutor or gardeyne is called Gardein in Socage.

Gardein in Socage

dein in Socage, and shall rendre accomptes to the heyre of the issue and profytes that he hathe receyued of the landes durynge suche tyme, deducte ynge his reasonable costes and expences, so that he shall not haue the wardeshyp to his owne vse and profyte as the Lorde whiche is gardeyne in chiualry hath. And in case the gardein in Socage dyeth before he hath made his accompte the heire is without remedy because

no

no wyse of accompt lyeth agaynst the executours but for the hynge onely.

¶ Finally ye shall understande that whan tenaunte in socage dyeth, the Lorde of whō the lande is holde shal haue relyefe, that is to saye the value of the rēt that is yerly due vnto hym of the tenaunce, beside the yerly rent, so that in effecte after the death of his tenaunte he shall haue of the heyre.ii. rentes saue that for the relyefe, he may distreyne forth with, but for the accustomed rent he can nat distreyne tyll the due all day of payment be come. Relyefe. Distres.

¶ Francke almoyne.

Enaunt in Francke almoyne that is to saye, in fre almysse is where a Bysshop, Deane, or any other ecclesiastical person holdeth of his Lorde in pure and perpetuall almes and suche tenure began fyrst in olde tyme, after this maner. Whan a man was seased in auncient tyme of certayne landes or tenementes in his demene as of fee, and of the same tenementes enfeoffed an Abbot, and his conent or a Pryour and his couent, or any other persone ecclesiastical as a Deane of a College, Maysters of an hospitall, or suche lyke to haue and to holde the same landes to them and to their successours for euer in pure and perpetuall almesse, or in franke almes, in these two cases the tenementes shulde be holde in franke almoyne. The first foundacion of franck almoyne.

¶ By force of which tenure they that holde in Francke almoyne after this sorte be bounde of

ryght before god to make orysons & prayer to celebrate masses & to do other diuine seruyces for ꝑ soules of theyr geaunters and kynnes and for the soules of theyr heyres whiche be dead & for the prosperous estate of theyr heyres ꝑ be now alyue. And bycause of ryght they be bounde to thys dyuyne seruyce, they be discharged by the lawe to do any other prophane or corporal seruyce, as fealtye or such other lyke.

Tenāt in francke almoyne shal do no fealte.

¶ But neuertheles yᵗ such as holde theyr tenementes in francke almoyne do omyt & leaue vndone these deuyne seruyces wherunto they be bounde before god, the lorde can nat distreyn them, ne yet compel them by any other meanes by the course of the common lawe, but the onely remedy is to complayne of them to theyr ordinary, who of ryght ought to compel such ecclesiasticall personnes to do the deuyne seruice due as afore sayde.

Tenant by diuine seruyce.

☞ But here ye shall note that yᵗ a persone of a churche or any other ecclesiastical persone holdeth of his lorde by certayne dyuyne seruyce to be done, as to synge masse euery fryday in the weke, or Placebo and dirige, or to finde a preest to synge masse or to distribute in almes .C. pens to a hundreth men at such a day: in all these cases, yf such diuine seruyce be vndone, the lorde may very well dystrayne, bycause the seruyce is put here in certayne.

Distresse for diuine seruīce

¶ Nowe I sayde, that if in olde tyme a man dyd infeoffe such ecclesiastical ꝑson after such sort, he shulde holde his landes in francke almoyne, but at this daye it is otherwyse, for by the reason of a statute called, Quia emptores terrarum, Westm. iii. capi. i. No man can alien

ne

me graunt landes or tenementes in fee symple to holde of him selfe, so that nowe yf a man bynge sealed of landes in fee symple graunteth the same by wrcente to an ecclesiastical persone in francke almoyne these wordes francke almoygne be voyde, and the ecclesiasticall person shall holde them immediatly of the lorde of the feoffer by the same seruices ꝑ the feoffer held, so that no man can holde in francke almoyne, but by force of a graunt made before the sayde statute, onely the kynges maiestye excepted, for he is out of the compasse of the statute.

¶ Fynally, ye shall note that where as a man holdeth in francke almoyne, his lorde is bounde by the lawe to acquite him of all maner of seruyce that any other lorde can haue or demaunde out of the sayde landes. Writte meane.

¶ That yf he doth nat acquite him but suffre him to be distreyned, thā he shal haue against his lorde a certayne writte, called a writ of meane, & shal recouer agaynst him his damages & costes of his suyte.

¶ Of burgage.

A Tenure in burgage, is where an auncient borroughe is, of which the kyng is lorde and the whiche haue tenementes with in the same borroughe holde the same of ꝑ kynge payenge a certayne yerly rent, which tenure, in effecte is but socage tenure. Lykewyse it is, where as any other lorde spirituall or temporall is lorde of such borroughe. Socage tenure.

☞ Here ye shall note that for the most parte suche auncient borroughes and townes haue by ures customes & vsages whiche other townes Customs

haue nat. For some boroughes haue a custome that the yongest sonne shall inherite before the eldest, whiche custome is called comonly borough Englysche.

Dower by custome.

¶ Also in some boroughe by the custome the woman shall haue for her dower al the landes and tenementes whereof her husbād was seased at any tyme during ꝑ matrimony ⁊ couerture

¶ Moreouer in some boroughes a man maye bequeath and deuyse his landes or tenementes by testament at the tyme of his death, and by force of suche deuyse or legacy, he to whom the bequeste was made, after the death of ꝑ testatour which made suche testament may be force of this auncient custome entre into the landes so to him bequethed or deuised without any liuery of seasone to him made or further ceremonye of lawe.

Deuyse by custome of boroughe.

¶ Howbeit howe and in what maner a man may at this daye deuyse his landes by his laste wyll and testament by force of a certayne newe statute, it shalbe hereafter declared.

¶ Dyuers other customes in Englaade there be contrary to the course of the common lawe whiche yf they be any thynge prouable & maye stande with reason are good and effectuel, not withstādinge they be agaynst the cōmon lawe.

☞ And note that no custome is allowable but suche custome as hathe be vsed by tyme of prescripcion or tyme out of mynde.

¶ Of vyllenage or bonde seruyce.

A Tenaunt in vyllenage is properly whā a vyllayne, that is to saye, a bondeman holdeth of his lorde, whose bondeman he

he is certayne landes or tenementes, accordyng
to the custome of the Manoure, or otherwyse
at the wyll of his lorde, and do to his lorde
vyllayne seruyce, as for to beare and to carye
the dounge of his lordes out of the Cytie, or
out of his lordes Manour, and it lay to vpon
the demeane landes of his lorde, or to do such
like seruyce and vyllayne seruyce. Howe be it
free men in some places holde theyr tenemētes
and landes of theyr lordes by custome, by such
sorte of seruyce, and there tenure is called te-
nure in vyllynage, and yet they them selues be
no vyllaynes ne of seruyle condicion but fremē
For ỹ lāde holdē in vyllenage maketh nat ỹ te
naunt a vyllayne, but cōtrary wyse a vyllayne
may make free lande to be vyllayne lande vnto
his lorde. As yf a vyllayne purchaseth lande in
fee symple or in fee tayle, the lorde of the vyl-
layne may entre into the lande so purchased by
his bondman and put him & his heyres out for
euer, & this done, the lorde yt he wyl may lease
the same lande to his vyllayne to holde of him
in vyllenage.

Howe some holde in vyllenage and be no vyllayne.

¶ And here ye shall vnderstande, that seruy-
tute or vyllynage is the ordinaunce, nat of the
lawe of nature but of that law, which is called
Jus gentium, by which a mā is made subiecte
contrary to nature, vnto another mans domi-
nion. For he that is a vyllayne or bondeman, Dimiſſio.
eyther he is so by tytle of prescripcion, that is
to say, he and his auncestours haue bene vyl-
layne tyme out of mynde, or els he is a vyl-
layne by his owne confession in courte of re-
corde, so ỹ all vyllaynes eyther they be borne
vyllaynes, or elles they be made so. They be

borne bylaynes whan theyr father beynge a bonde man him selfe begetteth them in lawful wedlocke, eyther of a free woman or of a bonde woman for so that the father be bounde, the issue of him lawefully begotten muste nedes be bounde by the lawes of Englande, hauynge no regarde to the condicion of the mother, where as in the cyuyl law of the Romanes it is clene contrarye. For there, partus sequitur vētrem, that is to saye: the seruitute or bondage of the mother maketh the chylde bounde and nat the bondage of the father. Howe be it the bastarde

Bastarde

sonne of a bondeman shall nat be bounde & the reason is bycause a bastarde is. Nullius filius, in the lawe, that is to say no mans sonne.

¶ They be made bondemen or bylaynes two wayes, eyther by theyr owne proper acts, as whan a free person beynge of full age wyl come into a courte of recorde, and there confesse him selfe bounde to another man.

☞ Or elles by the lawes of Armes called, Jus gentium: as whan a man is taken prysoner in warres, and is compelled to serue and become the thrall and bondeman of him that tooke him, the lawe calleth such person a bylayne, & is to saye a slaue and thrall.

Diffinicion of bylayns

¶ And ye shall note that bylaynes be properly called in Latin serui, bycause that whan they be taken in war, the captaynes be wonte nat to kyll them, but to sell them, and so to saue theyr lyues, so that they be called serui a seruando, & is to say of sauynge. They be also called Mancipia, a manu capiendo, bycause that they be taken by hande & power of theyr ennemyes.

☞ Nowe as I sayde by the lawe of nature

we

we are all borne free, but after that by the law of Gentilitie, ſeruitute or bondage dyd preſſe and inuade the worlde, that enſued the benefite of manumiſſion. Manumiſſion is quaſi de manudacio, that is to ſaye a gyuynge out of the hande or power. For ſo longe as a man is in bondage and ſeruitute, he is ſubiecte to ꝑ hande and power of another and whan he is manumiſſed he is made free and deliuered frō the ſayde power, ſo that a manumiſſion is nothynge elles than an enfranchyſement that is to ſaye, a wrytynge teſtifyenge that the Lorde hath enfranchyſed his vyllayne and all his ofſpryngе and ſequell.

Manumiſſion

¶ Alſo yf the lorde maketh to hys bondeman an obligacion of a certayne ſūme of money or graunteth to him by his dede an, annuitie or yerely penſyon, or leaſeth to him by dede lādes or tenementeu for terme of yeres, any of theſe actes do imply an enfranchyſement.

What actes maketh manumiſſiō in lawe.

¶ Lykewyſe yf the Lorde makethe a feoffement to his vyllayne, and maketh vnto him lyuery of ſeiſin, this alſo is an infranchiſemēt and ſecret manumiſſion. Briefely to ſpeake, where ſoeuer the Lorde cōpelleth his vyllayne by the courſe of the lawe to do that thyng that he myght otherwyſe enforce hym to do or to ſuffre without the auctorpty and compulſyon of the lawe, he doth by implication enfraūchiſe his vyllayne, as yf the Lorde wyll bryngе an gayuſte his vyllayne an accyon of det, an accīō of accompt, of couenant or of treſpace, theſe & ſuche lyke be in the eye of the lawe enfranchiſementes & manumiſſions, bycauſe ꝑ the Lorde in all theſe caſes may haue the effecte and pur-

Cauſe of infrauchiſemēt.

poſe

pose of his suite (that is to saye) the goodes & cels, and correction of his bondmen without ꝑ cõpulsion of that law euen by his owne proper power and auctorite which he hath vpon his vyllayne. But yf the Lorde dothe sue his vyllayne by an appeale of felonye, the vyllayne is ynge lawfull endyted of the same before thys is no tacyte manumission or infranchisement, for the Lorde though he haue power to beate hys vyllayne and to spoyle him of his goodes, yet he can nat by the lawe of this realme put him to death.

☞ Ye shall also vnderstande, that yf a mans bondmã purchased landes or acquyte and get vnto him any other thyng the Lorde may forth with entre, and cease the same into his owne handes. Wherfore yf the lorde wyll bryngе ageynste his vyllayne a Precipe ꝙ reddat, by which he demaũdeth agaynst his vyllayne any landes or tenementes, this implyeth an infranchisement, for asmuch as he byndeth him selfe to the prescripte and auctorite of ꝑ law where as he myght vse his owne auctorite, by entrynge and sealynge the sayde landes.

Diuisiõ. ¶ Fynally ye shall marke that some vyllaynes be called vyllaynes in grosse, and other some be called vyllaynes regardant. In grosse be they of which the lorde is seuerally seased, and nat by reason of any lordeshyp or maner, but they be called regardant whiche do belonge to a manoure, or whiche the Lorde is seased, and the sayde vyllaynes haue bene regardant, that is to saye, expectant and attendant tyme out of mynde to the Lorde of the sayde Manour in doynge vnto hym suche seruyces as to a vyl-

Vyllayne in grosse.

Vyllayne regardãt

layne

layne appertayne.

¶ Of auncien demene.

THere is also a certeine kynde of tenure whiche is called auncien demene, & that tenauntes whiche holde by this seruice be free holders & holde by charter & nat by copy of court rolle, or by the verge after the custome of ꝑ manour at the wyl of the lorde. And these tenauntes be suche as holde of those Manours which were sayntt Edwardes the kynge or which were in the hādes of kyng Wyllyam the conquerer, and these Manours be called the auncien demesnes of the kyng or the aūcien demesnes of the crowne of Englande. And to such tenaūtes which holde of such manores be many and diuers lyberties gyuen and graūted by the lawe, as to be quite of tolle & passage & suche lyke impositions which be demaūded of men for theyr goodes & cateles solde or bought in fayres and marketes by thē, also to be quyte and free of taxes and tallage graunted by parlyamēt, except that the kynges maiestie do taxe auncien demene (as to him only appertayneth whan he thynketh good for great and vrgent) considerations. Tenauntes also of auncien demeane ought to be quite of paimentes to therpences & charges of the knyghtes which come to the parliament, also they ought nat to be impanelled nor put in iuries and inquestes in the country out of theyr manour or seignorie of auncien demeane for the landes whiche they holde of suche manour, onles they haue other landes at the common law for which they ought to be charged. And yf suche tenauntes or any of the

whiche

whiche holde of the Manour of auncient demene be distrayned to do vnto theyr lorde other seruices or customes then they or theyr auncestours haue vsed to do, then may they sue a certayne wryt called Monstrauerũt directed to ỹ lorde, cõmaundinge him that he distreine them nat for to do other seruices or customes then they haue ben accustomed to do.

Wryt of monstrauerunt.

¶ And for further knowlege hereof ye shall vnderstande that in the Eschetour there is a boke called Domesday which boke was made in the tyme of the sayd saynt Edwarde. And all the landes whiche were in the seisin and in the handes of ỹ sayd saynt edwarde at ỹ tyme of the makynge of the sayd boke be auncien demene. But the landes whiche thẽ were in other mens hãdes though they be wrytten in ỹ sayd boke, be franke fee & no auncient demene.

Franche fee.

¶ Finally it is to be noted, that tenauntes of auncien demene shall nat be impleded for theyr sayd lãdes out of the manour where of they so holde, and yf they be, they may shewe the mater and abate the wrytte. But yf they ones answere to the wrytte, and iudgemẽt gyuen, then the landes haue lost the nature & benefyte of auncyen demene, & are be come frãcke fee, that is to say, pleadable at the cõmon lawe for euermore. And this haue we spoken of ỹ diuersite of tenures.

Abatemẽt of ỹ wrytte.

¶ Of rentes.

For asmuche as vpon euery tenure there is comonly reserued one rẽt or other therfore I thynke it good somwhat to treate of rentes. But ye must vnderstande that there

be

be sundry sortes of rentes. There is one kynde of rente whiche is called rent seruyce. Another which is called rent charge, & the thyrde which is named in frenche rent secke, that is to saye in Latyn reddit⁹ siccus, a dyse rent. Nowe rent seruyce is so called bycause it is knyt to the tenure and is as it were a seruice, wherby a man holdeth his landes or tenemētes, or at lest way when ꝑ rentes vnseuerably coupled and knyte with the seruyce, as for an example, where the tenaunt holdeth his lande of the kyng or of any other lorde, by fealte and by certayne rent or by homage, fealtie and certayne rent, or by any other sortes of seruyces & by certayne rent, thys rent is called rent seruice. And here ye shal note that yf this rent seruice be at my tyme whē it ought to be payde, behynde and vnpayde, the lorde of whom the lande or tenement is so holden, whether it be in fee symple, fee taple for terme of lyfe, for yeres or at wyll, way of common ryght entre and distrayne for the rente, though there be no mencyon at all, ne clause of distresse put in the dede or leafe. I sayde before that ꝑ nature of this rent seruyce is to be coupled and knyte to the tenure. For where no tenure is there can be no rent seruyce. And therfore, yf at this day I be seised of landes in fee symple, and make a dede of feoffemente of the same to another in fee symple, reseruynge by ꝑ same dede a rent, this can be called no rent seruyce, bycause there can be nowe no tenure betwene the feffour and the feffee. Otherwyse it is of feffemētes in fee symple, made before ꝑ statute of Westmester the thyrde. Capi. i. called Quia emptores terrarū. For before ꝑ makynge

Diuision of rēt seruyces.

Distresse of cōmun ryght.

kynge of that statute, yf a man had made a feoffement in fee symple, reseruynge to him a certayne rent, yet though it had bene without dede here had ben begonne & created a newe tenure betwene the feffour and the feffee, and the feffe shulde haue holden of the feffour, who by vertue of the same myght of cõmon ryght haue distreyned for such rent. But at this day by force of the sayd acte, there can be no such holdynge or tenure created or begonne, and consequently no rent seruyce can be at this daye reserued vpon any gyfte in fee symple, except it be in the kynges case, who beynge chiefe lorde of al euer myght and may gyue lãdes to be holden of him. Thus ye se, that at this day, no subiecte can reserue any rent seruyce vnto him onles the reuercion of the landes or tenemẽtes that he shal graunt, be styll in him, as where he graunteth them in fee tayle, or maketh but a lease for terme of lyfe or for certayne yeres or elles at wyll. For in all these cases the reuercion of the fee symple remayneth styll in him, and therfore yf here be any rent reserued, it is to be called a rẽt seruyce, and is of common ryght distraynable though there be no clause of distresse in the dede of feffement or lease.

¶ But here ye wyll aske me, whan in the case before remembred, a man at this daye gyueth cleane awaye the lande or tenemente fro hym selfe in fee symple, so that there is no maner of reuercion of the same remaynynge in him at al and yet neuertheles reserueth vnto him by his dede a certayne rent what maner rent shal this be called? I answere, yf there be in the dede indented any clause of distresse, that is, that yf the rente

rente be behynde vnpayed, it shal be lawful for the seffour to entre and to distrayne, it is called a rent charge, forasmuche as the lande is charged therwith, but howe of cõmon eyght / no, but onely by vertue and force of the wrytynge. Rentes charge.

But on the otherside, yf there be no suche clause of distresse put in the indenture, than the rent so reserued shalbe called a rent secke. Rẽt seck

Lykewyse, yf a man that is seased of certayne landes, wyll graunt eyther by indenture, or by his dede polle that is to say synple & nat indented, a yerly rent out of the same landes to another whether it be in fee symple, fee tayle, for terme of life, for yeres or at wyl, with clause of distresse, than this rent is called a rẽt charge and he to whom such rent is graunted may for defaute of paiment therof, entre and distrayne. But contrarely, yf the graũt be made without any such clause of distresse, it is called rẽt secke that is to say a dyre rent, bycause he can nat come to it in case it be denyed, by waye of distresse in so muche that yf he were neuer seysed of it, he is by the course of the cõmon law without remedye. Otherwyse it is of a rent charge, for here he to whom the graunt is made, when the rent is behynde may chose whether he wyl sue a wrytte of annuite agaynste the grauntour or distrayne for the rent behynde, & retayne the distresse tyl tyme he be payed accordyngly. But he can nat haue bothe remedyes togyther but must take him to the one, for yf he ones recouer by a wrytte of annuite, then is the lande discharged. And yf he sue nat his wrytte of annuite, but dystrayne for the arrerages, and the tenaũt sueth a replevyn, where vpon the other Annuite. Replevi.

auoweth

Estoppell. anoweth the takynge of the distresse in courte of recorde: then is the lãde charged and the person of the graunteure discharged of the accion of annuite.

¶ Ye shall also vnderstande, þ yf a man wyll that another shall haue a rent charge cõynge out of his lande, and yet wyll nat that his person shall be any meanes charged by wrytt of annuite, he may than haue such clause in the ende of his dede. Prouiso. Prouiso q̃ presens scriptum, nec quitꝫ in eo contentum vllo pacto se extendat ad onerandã personam meam per breue seu assignem de annuitate, sed tantummodo valeat ad onerandum, terras, cũdos et tenemẽta mea de annuo redditu predicto. Yf this or such lyke clause be added, then the lande is charged and the person of the graunteur is discharged.

¶ Also yf a man wyll make a dede of graunt in this wyse, that yf Johñ at Stile be nat payde at the feast of Chrystmas for terme of his lyfe. xx. shyllynges sterlynge, þ then it shalbe lawfull for þ sayd Johñ at Stile to distrayne for it in the Manour of Dale, this is a good rent charge, because the Manour is charged with the rent by way of distresse, and yet neuer theles in this case the person of him that made such dede is discharged of any actiõ of annuite forasmuch as he graunted nat by his dede any annuitie to the sayd Johñ at Stile but onely graũted, þ he myght distrain for such yerly rẽt.

¶ Further more ye shall note, that yf a man hath a rent charge to hym and to his heyres cõynge out of certayne landes, and dothe purchase any parcell of this lande to hym and to his heyres, in this case the hole rent charge is

quenched

quenched and gone, and the annuitie also, the cause is thys, that a rent charge can nat be in suche case appoyncioned. Otherwyse it is of a rent seruyce, as for example yᵗ one which hath a rent seruyce, of. xx. ℔. by yere dothe purchase parcell of the lande oute of whiche this yerely rent of. xx. ℔. is commynge this shall nat extynguysh nor drowne the hole rent, but for that parcell onely. For rent seruyce in suche case maye verye well be appoyncioned and rated accordynge to the value of the lande. Yet there be sortes of rentes seruyces whiche in no wyse cā be appoyncioned. As where a tenaunt holdeth his lande of his lorde by the seruyce to rendre to his lorde yerely at suche a feast, an horse, a tynge of golde, a redde rose, a glouer, or suche lyke, yᵗ in this case yᵗ lorde doth purchase parcell of the lande thus of him holden, thys seruyce is gone, bycause such seruyce, cā nat be severed nor appoyncioned. All seruage is a seruyce that may very wel be appoyncioned accordyng to the afferaūce and rate of the lande.

Extinguisshed.

Rente seruice cā nat be appoyncioned.

¶ But where any lande is holden by homage and fealtie, yᵗ the lorde purchaseth parcell of the lande, yet he shal haue his homage and fealtie styll of his tenaunt.

☞ Ye shall marke also, that yᵗ a mā maketh a lease of landes to another for terme of lyfe, reserwynge to hym certayne rent if in thys case he graunteth that rente to Johan at Style sayngeto him selfe the reuercion of the sayde lande, this rent is but rent seche, bycause Johā at Style that hath the rente, hathe nothyng in reuercion of the lande.

But yᵗ he graunteth the reuercion of the lande

Attornyng vsed.

to Johñ at Stile for the terme of lyfe and the tenaunte attorneth accordyngly, then hathe Johñ at Stile ꝑ rent as rent seruyce, by cause he hathe the reuersion for terme of lyfe.

¶ Likewyse it is, yf a man graunteth landes or tenementes in tayle, reseruynge to him and to his heires certayne rent, or maketh a lease of the same for terme of lyfe, reseruynge certayne rent yf he graunteth the reuersion to another and the tenaunte attorneth accordyngly, ꝑ hole rent and seruyce shall passe by this worde reuersion, bycause the rent and seruyce in suche case be incident to the reuersion & do passe by the graunt of ꝑ reuersion. But yf he had graunted ꝑ rent onely, the reuersion had not passed.

Rente is incident to a reuersion.

¶ What remedy a man hathe to recouer his rent when it is behynde.

I shewed you before, that for a rent seruyce yf it be behynde ye may distrayne in ꝑ grounde euen of cõmon ryght thoughe there be no suche clause of distresse mencyoned in the dede of feoffement, graunt or lease Also for a rẽt charge ye may distrayne or bring your writte of annuitie at your choyse & electiõ, as before is declared. But of a rent seruice yf ye were neuer seysed of it nor of any parcell therof, ye be without remedy by course of the cõmon lawe, for ye can not distrayne for it, nor yet bryngē your writte of annuite but if ye were ones seysed of it or of parcell therof and it is .xl. fotes behynde, the your remedy shalbe this.

Ye

Ye maste go eyther by your selfe or by your de-
dyte to the lande or tenement out of which the
rent is rommynge and there demaūde the arre-
rages of the rent, whiche yf the tenaunt denye
to pay, this denyall is disseisin of the rent. Also
yf the tenaūt be nat then readye to pay it, this
counteruayleth a denyall whiche is a disseysen.
Moreouer yf neyther the tenaunt nor none o-
ther man be remaynynge vpon the grounde to
pay the rente, when ye demaunde the arrera-
ges, this also is a denyall in the lawe, and is
in very dede a disseisin. And of these disseisi-
nes ye may haue an assise of nouell disseisin a-
gaynst the tenaūt, and shall recouer seisin of ỳ
rent and the arrerages and your damages and
costes of your wryte and of your plee. And yf
after such recouerye and execution had, the rēt
be agaynr at another tyme denyed you, then ye
maye haue redisseisin and shall recouer youre
double damages. &c.

Disseisin of rent secke.

Assise.

Inredis-seisi dou-ble dama ges.

¶ It shalde therfore wysedome for a mā whē
a rent is graunted by any persone vnto hym,
to take of the tenante of the lande a peny or
an halfpeny in name of seisin of the rent, and
thē yf at the next day of payment the rent be de-
nyed hi, he may haue an Assise of nouel disseisi

Thre ca-ses of dis-seisin of rent seru-yce.

¶ And ye shall note, that there be thre causes
of disseisin of rent seruyce, that is to wyte re-
scouse, replenyn, and inclosed Rescouse is whē
the lorde vpon the lande holden of him distray
neth for his rent behynde, and the distresse be
rescued from him, or yf the lorde come vpon ỳ
lande and wyll distrayne, and the tenaunte or
any other man for hym wyll nat suffre hym,
this is called Rescouse.

Rescous

Replevyn. ¶ Replevyn is, when the lorde hath distrained and replevin is made of the distres by wyfe or by playnt. Enclosure is where landes or tenemẽtes be so inclosed that þ lorde cã nat come within the landes or tenementes for to distrayne. And the chiefe cause why suche thynges so made be disseysin to the lorde is for asmuch as the lorde is by this waye disturbed of the meane and remedy wherby he ought to come and haue hys rent, that is to wete, by distres.

Enclosure

Foure causes of disseisin of rente charge. ☞ And there be foure causes of disseisin of a rent charge, that is to wete, rescous, replevin enclosure, and denyer. For denyer or denial is as wel a disseisin of a rent charge as it is of rẽt seck.

And two of rente secke. ☞ Fynally ye shall understande, that there be two causes of disseisin of a rent seck, that is denyall and enclosure.

One other cause of disseisin, ¶ And it semeth that there is yet another cause of disseisin of all the thre rentes aforesayde, that is to wete this, when the lorde commeth to the lande holden of him, or when he þ hath a rent charge or a rent secke cõmeth to the lande to distrayne for the rent behynde, and þ tenaũt hearynge this, encountreth hym, and forstalleth him the way with force and armes & manaceth him in suche sorte as he dare nat come to the grounde for to distrayne for his rent behynde for feare of death or mutilacion of his membres: this is a disseisin bycause the partie is disturbed of his mene and lawfull remedy wherby he ought to come to his rent.

Acte of parlamẽt. ¶ Fynally ye shal obserue and marke, that by an acte of parlyament made in the .xxii. yere of our soueraygne lorde kynge Henry the eyght, it is lawfull for the executours and administra-

Executours.

tours

toures of tenãtes i fee ſiple, tenãt i fee tayle tenãtes for tme of life, of rẽt ſeruyces, rent charge, rent ſeckes, and of fee fermes, for arrerages of ſuch rẽtes as were due vnto theyr teſtatoures i theyr lyues, eyther to diſtrayne for the ſame or at theyr election to bryngе an accyon of det, except in ſuch lordſhyps in Wales or in the marches therof, where as the tenauntes haue vſed tyme out of mynde to paye vnto euery lorde at his fyrſt entrye into the lordſhyp any ſumme of money for the redemption of all maner dutyes and penalties incurred at any time before theyr lordes entrye. Diſtres, or accõs of dette.

¶ Alſo by force of the ſayd acte the huſbãde which was ſeiſed in the right of his wyfe may after the death of his wyfe eyther diſtrayne or bryngе an accyon of det for ꝑ arrerages of ſuch rentes as were due and vnpayd in her lyfe.

¶ Likewyſe it is of him that hath a rente for terme of another mans lyfe, if he for terme of whoſe lyfe he hath the rent dyeth, yet by force of the ſayde acte he or his executours & adminiſtratours may eyther diſtrayne or bryngе an accyon of det for ꝑ arrerages due before the death of him for terme of whoſe lyfe he had the rent.

¶ Howe auowryes ought to be made of rentes and ſeruyce, inacted An. xxi. Henrici. viii.

WHere any landes be holden of any perſon by rentes, cuſtomes, or ſeruyces, yf the lorde diſtrayne vpon the ſame landes for any ſuche rentes, cuſtomes, and ſeruyces, and replevyn therof be ſued, the lorde

maye auowe or his bayliye or seruaunt maye make conysaūce or iustifie the takynge vpō the same landes, as within his fee and seignoyre, alledgynge in the sayd auowrye conysaūce or iustification the same landes to be holden of hym, without nampynge any person certayne to be tenaunt of the same, and without makynge any auowrye, iustification, or conysaūce vpon any person certayne. And lykewyse vpon euerye writ sued of the seconde delyuerāce. And they that make any suche auowrye, iustification or conysaūce, yf the same auowrye, conysaūce or iustification be founde for the, or yf plaintife be nonsuite or otherwyse barred, then they shall recouer theyr hole damages and costes.

Seconde deliuerāce

Damages.

¶ Also the sayd plaintifes & defendaūtes shal haue lyke plees and lyke ayde prayers (plees of disclaymer onely excepte) as they myght haue had before the makynge of this acte.

Plees in auowrie.

Also suche persons as by the cōmon lawe may ioyne to the plaintife or defendaunt in the sayde writs of Replegiare or seconde deliuerāce as well whose presse as by presse, shal herafter in like in this case ioyne vnto them as well without processe as by processe, and haue lyke plees and lyke auauntages in al thinges (disclaymer only excepte) as they myght haue by the cōmon lawe before this acte.

¶ An acte for the assuraūce of fermours made. An. primo Henrici. viii.

ALl estates hereafter to be made of any lan-
des or other hereditamentes by writing indented vnder seale for terme of yeres or for termes of lyfe by any persons hauynge

the

of ꝑ age of xxi. yeres hauinge any state of inheritaunce eyther in fee symple oz in fee tayle in theyr owne ryght oz in the ryght of theyr wyues, oz ioyntly wt theyr wyues shall be good and effectual agaist the lessours theyr wyues heyres and successours accordynge to the estate cõprysed in suche indenture of lease.

¶ Prouyded that this acte shall nether extẽde to any leases to be made of any landes hereditamentes beynge in the handes of any fermour by vertue of any olde lease onles ꝑ same olde lease be expyred surrẽdred oz ended within one yere after the makynge of the newe lease, noz yet to any graunt to be made of the reuersion of any landes oz hereditamentes, noz to any lease of such landes oz hereditamẽtes as haue nat commonly bene letten to ferme by ꝑ space of xx. yeres next before suche lease therof made, noz to any lease to be made without impeachement of walte, noz to any lease to be made aboue the nombre of xxi. yeres oz the lyues as ꝑ most frõ the day of makynge therof. And that vpon such lease be reserued yerely durynge the same, due and payable to the lessours theyr heyres and successours to whom ꝑ landes shuld haue come after ꝑ deathe of the lessours, & to whom the reuersion therof shall ptayne accordynge to theyr estates and interestes, so muche yerely rent oz more as hathe ben accustomably yeldynge for the same within xx. yeres next before such leases, and ꝑ he to whom the reuersiõ therof shall pertayne after the deathe of suche lessours oz theyr heyres: shall haue suche lyke remedy and aduantage agaynst the fermours therof theyr executours and assignes, as the

Surrender of the olde lesse.

lessour him selfe shulde haue had.

The wife shalbe ptie to the leasse.

¶ Prouided also that ꝑ wyfe be made partie to euery suche leasse as shalbe made by her husbande of any landes beynge the inheritaūce of the wyfe, and that euery such leasse be made by indenture in the name of the husbande and his wyfe, and she to sealle there vnto. And that the rent be reserued to the husbande & wyfe & to ꝑ heyres of the wyfe accordinge to her state of inheritaunce therin. And that the husbād shal in no wyse aliene discharge graunt gyue away ꝑ same rent serued nor any parte therof longer the duryng the couerture, without it be by fyne leuyed by the sayde husbande and wyfe.

¶ Prouyded furthermore that this acte extende nat to gyue lyberte or power to any persōs to take any mo fermes leases or takyng of any landes or other hereditamentes, then they myght haue done before the makynge of this acte, nor yet extende to gyue any lyberty to any person or vycare of any churche or vicarage for to make any leasse or graunte of any theyr messuages landes, tenementes, tythes profyttes, or hereditamentes belongynge to theyr churches or vycarages otherwyse then they myght haue done before the makynge hereof. Anno. xxxii. Henrici. viii.

What graūt by a corporacion is good.

¶ It is furthermore enacted that the graunte leasse, gyfte or election of the gouernor or ruler of any hospitall, college, deanry or other corporacion with thassent of the more parte of suche of the same as haue voyce therunto shall be good and effectuall, any rule or statute made by any foundour to the contrary notwithstandynge.

¶ Of falsifyenge of recouerys by fermours inacted, Anno.xxi. Henrici.viii.

A Ll fermours or lessees for terme of yeres may falsifye for theyr terme onely, recouerys had by fayned tytles aswell as a tenaunt of freholde. And the same, fermours theyr executoures and assignes shal enioye theyr sayd termes accordynge to theyr leases agaynste suche recouerys euen as yf none such had be suffered. In whiche case neuerthelesse the recouerer, after such recouery had, shall haue lyke remedy agaynst ỹ termers by auowrye, or action of det for rentes and seruyces reserued vpon the same lessees byndge due afore the same recouerys, and lyke actions for wast done after the same recouerys, as the lessours myght haue had yf no suche recouerye had be had. Furthermore no statut estaple, statut marchaunt, nor execution by Elegit shalbe auoyded by any suche fayned recouery, but lyke remedy shall be had to auoyde and falsifie the sayde recouerys, as is ordeined for ỹ fermour or lesse for terme of yeres.

Auowrie or action of dette.

¶ Of tythes and howe they shalbe recouered, inacted. xxiii. Henrici. viii.

Al persons shall truely paye theyr tythes and offryndges accordynge to the lawfull customes & vsages of paryshes & places where suche tythes or duetyes be due. And yf they do wylfully wythholde any parcell of them: the partye whether he by ec-

eccleſiaſticall or laye that ſhulde haue theyr may conuent ſuche perſons before the ordinary his compyſſary or other cõpetent miniſtre or Iudge of the place where ſuch wronge ſhalbe done ac cordynge to the eccleſiaſticall lawes. And in e uery ſuche cauſe of ſuyte the ſame ordinary or iudge hauinge the parties or theyr procura tours before him, ſhal proceede to ỹ determina cion therof ordynarily or ſummarylye accor dynge to the courſe of the layde lawes, & there vpon ſhall gyue ſentence accordynge.

And in caſe any of the partyes for any matter concernynge that ſute, do appeale from the ſen tence and dyffinitiue iudgemente of the layde iudge, then the ſame iudge forthwith vpon ap pellacyon made, ſhal adiuge to the other partie the reaſonable coſtes of his ſuyte, and ſhall cõ pell the ſame partie appellãt to pay ỹ ſame by compulſary proceſſe cenſure of the layd lawes

Quertye

makynge ſuerte of the other partie to whome ſuche coſtes ſhalbe adiuged to reſtore the ſame to the appellant, yf afterwarde, the principall cauſe of that ſuit of appeale ſhalbe adiudged agaynſte him. And ſo euery iudge eccleſiaſtical ſhall adiuge coſtes to the other partie vpon e uery appeale to be made in any ſute or cauſe of ſubtraction or detencion of any tythes or offe rynge or in any other ſute to be made concer nynge the duty of ſuche tythes or offerynges.

And yf any perſons after ſuche ſentence gyuen agaynſte them ſhall obſtinately refuſe to paye theyr tythes or duetyes or ſuch ſomes of money

Iuſtices of peace.

ſo adiuged wherin they be condemned, then two Iuſtices of the peace of the ſame ſhyre, wherof one to be of the quorum, ſhall vpon

certifi

certificat or complaynte to them made in wry-
tynge by the iudge that gaue the sentẽce, cause
them to be attached and committed to the next
gaole, there to remaine without bayle or main
pryse, tyll they shall haue founde sufficient sure-
eties to be bounde by recognysaũce or other
wyse before the same iustices to the kinges vse
for the performaunce of the sayde iudgements.

¶ Prouyded, that no person shalbe sued or
otherwyse compelled to pay any tythes for any
landes tenementes or hereditamentes whiche
by the lawes of this realme are discharged or
not chargeable w^t paymẽt of any such tithes.

¶ Also this act shall in no wyse bynde the in-
habitantes of Lõdon and suburbes of ỹ same
to pay their tythes and offrynges within the
same cytye and suburbes otherwyse then they
shulde haue done before.

¶ Furthermore if any hauinge an inheritance
probable reuersion or interest in any personage vica-
rage portion pension tythes oblations or other
ecclesiastical profyte made by vs bi our dede cap-
tayne or commissyon to be in temporal hãdes by the
lawes of Englande in this realme be disseised or
otherwyse put from the same by any other per-
son claymynge or hauinge estate title or interest
so disseised or wrongfully put from the same by
vertue of our commyssion that then euery such
person and persons their heyres executors and other
to whom such estates shalbe vested shall haue
and bee in the same temporal estates as they
were in before the recouery shall be had by writ
or sentence of diffinitiue iudgement or otherwyse
by the lawe. And if any such disseisyn wrong-
ful putting out or other vnlawfull acte be made
by any person or persons against the tenour of
this our commyssion, that then euery such person
so offendynge shall forfeyte for euery such offence

vicaredge, porcion, pension, or other profyte ec-
cleſiaſticall accordyng to the nature of the ſame
therof. And wrytes of couenãt and other wrytt
for fines to be leuied and al other aſſurãcies to
be made of any ſuch perſonage or profyte eccle
ſiaſticall ſhalbe deuyſed and graunted there,
lyke as hath bene vſed for fines to be leuyed &
aſſurance to be had of lãdes or other hereditã-
mentes, and all ingementes gyuen vpon ſuche
wrytte original graũted for any the premiſſes
and all fynes leuied and knoleged in any of ꝑ
kynges ſayd courtes therof, ſhalbe of like force
as ingement gyuen and fines leuied of landes
tenementes and hereditamentes.

¶ Of mortuaryes, inacted. An xxi. H. viii.

NO perſon ſpirituall theyr ſeruauntes nor
bayliffes ſhal cal any perſon before any
iudge ſpirituall for the recouery of any
Mortuaryes more then is herafter mencioned
vpon paine to forfayte for euery tyme ſo much
in value as they ſhal take above the ſume here
lymytted & ouer ꝑ xl. s. to the party greued, for
whiche he ſhal haue an action of det by wrytte
bylle or information, wherin no wagger of lawe
eſſoyne nor protection ſhalbe allowed. Fyrſte no
mortuarye ſhalbe taken of any whiche at hys
death hath in moueable goodes vnder the va-
lue of x. marke. Alſo no Mortuarie ſhall be ta-
ken but onely where. Mortuaryes haue bene
vſed to be paid, and there after the ſame her
after mencioned. Nor in no mo places but one
that is to wyte there where is moſt abydyng
at and there but one. Nor ye perſone ſhall take

for

for a Moztuary of any perſone dyenge at hys death at the value of.x.marke aboue his dettes payde & vnder.xxx.li. aboue.iii.s.iiii.d. And of the value of.xxx.li. and vnder.lx. nat aboue. vi.s.viii.d. And of the value of.lx.or aboue to any ſumme whatſo euer it be, nat aboue.x.s. Alſo no Moztuary ſhall be aſked nor payde for any womā court darō, or chylde or any gſō nat kepynge houſe, or for any wayfarynge mā but the Moztuaryes of ſuche wayfarynge men be anſwerable in that place where they had theyr moſt dwellynge at the tyme of theyr death.

¶ Neuertheles ſuch ſpirituall gſon may take any thinge whiche ſhall be diſpoſed or bequethed to him or to the hygh auter of ꝑ churche. Alſo nothynge ſhall be taken for Moztuary in Wales nor the marches of ꝑ ſame, nor in Calys or Berwyke or the marches of the ſame, but onely in ſuche places of the ſame where Moztuaryes haue bene accuſtomed to be payde and there but onely after the forme aboue ſpecified, Prouyded that ꝑ Byſhops of Bangor, Lādafe, ſayne Dauies and ſayne Aſſe and the chedeke of Cheſter may take ſuch moztuaryes of the preeſtes within theyr dioceſes and iuriſdictions, as heretofore haue bene accuſtomed. Prouyded alſo, that in ſuch places where moztuaryes haue bene accuſtomed to be taken of leſſe value none ſhalbe compelled to paye anye other Moztuary or more for any Moztuarye then hath bene accuſtomed, nor no Moztuarye there ſhalbe demaunded of any perſon exempt by this acte vpon payne afore ſymytted.

¶ Of diſcontinnaunce.

It is

It is called a discontinuaunce by the lawes of Englãde, whe he that hathe the possession of landes or tenementes for the tyme presente and yet nat hauynge the fee symple in hym selfe nor in hys owne ryghte onely, maketh an alyenation of the same to another, by reason wherof, he that shulde haue them after him and which then hath ryght vnto them can nat entre, but it is dryuen to his remedy by way of actiõ, in such wyse that ỹ sayd landes be nat vtterly shifted & gone from such person or persons as haue ryght vnto them, but be alonely discontynued for a tyme, tyll the person which after the death of such discontynuer hathe ryght vnto thẽ, do recontynue and bryngе them home agayne nat by entry but by sute and way of action. As for example, yf tenaunt in tayle of certayne lãdes doth infeffe an other in the same, in fee symple or fee tayle and hath issue and dyeth, his issue can nat entre into the landes, thoughe he hath tytle and ryghte vnto them, but is put to his action, whiche is called a formedone in the discẽdre. And yf such tenaunt in tayle which maketh suche a feoffement hath no issue at tyme of his death, it is yet neuertheles a discontinuance to him which is eyther in the reuerſion or in the remaynder so that neither the one nor thother cã entre, but be dryuen to theyr action, he in the reuerſion to his formedone in the reuerter, and he in the remaynder to his formedone in the remaynder.

Formdone in the dicendre.

Formdone in the reuerter or remaindre.

☞ In lyke maner yf a byſshop doth alien lãdes whith be pertel of his byshoprych, & dyeth

this

this is a discontynuance to his successour for
asmuch as he can nat entre, but is dryuē to his
wryt of entre sine assensu capituli.

Entre sine assēsu capituli.

¶ Semblably, yf a Deane de sole seised of lā-
des as in the ryght of his Deanry and maketh
suche an alinacion, this is a discōtinuance to
his successour. Also yf the mayster of an hospi-
tall alieneth any landes of his hospital, this is
a discontynuance and his successour can nat
entre, but is put to his wryt. De ingressu sine
assensu confrarū & sororū.

Ingressu sine assensu confratrum et sororū.

☞ But yf a ꝑson or vycare of a churche wyl
alien any of his glebe landes to a nother in fee
symple or in fee tayle, & dyeth or resigneth hys
benefice, this is no discontinuance to his suc-
cessour, but he may very well entre, natwith-
stādyng suche alienacion made by his ꝑdecessor.
And the hyghest wryt that a person cā haue yf
his ꝑdecessour hath aliened his glebe lāde or lost
it by defaute or reddicions is a Juris vtrum.

Juris vtrum.

¶ And forthermore note that no tenaūt yf the
lande can by his or theyr acte discontinue the
ryght of hi in the reuersion onles it be by a fef-
fement with lyuery and seasou or els by a relese
with warraunte.

¶ And note that suche thynges as passeth by
way of graunt by dede without lyuery and sea-
son can nat be discontynued as auowson, com-
mon, or vyllayne ingrosse, reuersion, rēt charge
common for bestes certene and suche other lyke.

¶ Also ye shal vnderstande, that in the xxvij.
yere of this kynges most noble reigne, it is ena-
cted, ꝓ no fine feffemēt or other acte to be made
or suffred by ꝓ husbande onely, of any lādes or
tenementes beynge ꝓ inheritāce or fre holde of

his

his wyfe durynge the couerture betwene them shalbe any discontinuance therof or be preiudicial or hurtfull to ye sayde wyfe or to her heyres, or to suche as shall haue ryght title or interest to the same by the death of such wyfe but that the same wyfe and her heyres, and suche other to whom such ryght shal appertayne after her decesse may than lawfully entre into all suche landes & tenementes apportynge to theyr ryghtes and titles therin.

¶ Howe recouerynes by collusion agaynste tenauntes for terme of lyfe is no discontinuaūce, inacted. An. xxxii. H. viii.

Where diuerse persons seased of landes and hereditamentes, as tenauntes by the curtesy of Englande, or otherwyse onely for terme of lyfe or lyues haue here before suffred other persons by agrement or couin betwene the had, to recouer the same agaynste them in the kynges court by reason wherof, they to whom the reuersyon or remaindre therof hathe belonged, haue after the deathes of suche tenauntes bene dryuen to theyr actions for the recontynuance and obteynynge of the sayde landes and tenementes so recouered, and sometyme haue bene clearly disherited of the same, it is inacted that all such recouerynes hereafter to be had by agrement of the partie or be couyn, agaynste any such particular tenaunt of landes or hereditamētes, wherof he is or hereafter shal be seased, as tenaunt by the curtesy of Englande, tenaunt in tayle after possibilitie of issue extincte

or

or otherwise for terme of life, shall from thensforth as against such psons to whom the reuersion or remaynder shall hā appertayne & against theyr heyres & successours, be clerely voyde.

¶ Prouided ꝑ this acte extende not to any ꝑson that shall by good title recouer any heredit̄amētes without fraude or coyn against any such ꝑticuler tenaūte by reason of any former ryght or title, nor yet to auoyde any recouery to be had against any such ꝑticuler tenaunt by thassent and agremēt of those in ꝑ reuersion or remaundre, so ꝑ suche assent & agremēt do appeare of recorde in the kynges court.

¶ Howe wrongfull disseisin is no discent in the lawe, enacted. Anno xxxii. Henrici. viii. Capitulo. xxxii.

WHere diuerse persones haue by strēgth and without title entred into landes and tenementes and wrongfully dyspleyed & dispossessed the ryghtfull owners and possessours therof, & so beynge sealed by disseisen haue therof dyed sealed by reason of whiche dyeng seised, the parties ꝑ were so disseised and dispossessed or such other persōs as before suche discent myght haue lawfully entred into the sayd landes & tenemētes be thereby clerely excluded of theyr entre into the same and put to theyr action for theyr remedy & recouery therin: it is enacted, ꝑ the dyeng seised hereafter of any suche disseisour haunyng no ryght or title therin, shall not be demed any suche discent in ꝑ law to take awaye the entre of such persons or theyr heyres whiche at the tyme of the same discēt had good title of entre

into the same. Except þ suche disseisour hathe had the peasible possession of the landes or tenementes wherof he shall so dye seased by the space of fyue yeares next after the disseasin by him cõmytted without entre or cõtynuall clayme by such as haue lawfull tytle therunto.

¶ The limitacion of prescription inacted. An. xxxi. H. viii.

NO person shal sue or maintayne any wryt of ryght, or make any tytle or clayme to any landes tenementes, rentes, annuities, commons, pensions, porcions, corrodies, or other hereditamẽtes of the possession of his auncestor or predecessour, & declare any further seisin or possession of his auncestour or predecessor but onely of the seisin or possession of his auncestour or predecessour, which hath ben seised of the same within xl. yeres nexte before the feast of the same wryt, or nexte before the laste tytle or clayme, so to be sued.

Limitacõ of xl. yeres.

¶ Also none shall sue or mayntayne any assise of Mortancestor, conysage ayle, wryt of entre vpon disseisin done to any his auncestours or predecessours, or any other action possessary vpon the possession of any his auncestours or predecessours, for landes or hereditamentes of further seisin or possession of the, but only hys seisin or possession whiche was seised therof within xxty yeres next before the teste of the originall of the same wryte. And none shal mayntayne action for landes or other hereditamẽtes vpon his owne seisin or possession therin, aboue xxx. yeres nexte before the teste of the originall of the same wryte.

Limitation of. l. yeres.

Limitatiõ of. xxx yeres.

Item

Item none shall make any auowtye or conysaūce for any rent, suite, or seruyce, and alledge any seisin of ꝑ same in his auowtry or conysaūce in possession of his aūcestors or predecessours, or in his owne possession, or in the possessiō of any other whole estate he shal clayme to haue, aboue fyftye yeres next before the makynge of the sayde auowtye or conysaunce. Moreouer all formdones in reuerter, formdones in remainder, and Scire facias vpon fines of landes or other hereditamentes to be sued, shalbe taken within fyftye yeres next after the tytle of actiō falle. And yf any do sue any of the sayd actiōs or writtes for lādes or other hereditamentes or make any auowtie conisance prescription or clayme for any rent, fuyte, seruyce, or other hereditamentes, and can nat proue ꝑ he or his auncestours or predecessours were in actuall possession or seasen therin at any tyme within the yeres before limitted, if the same be trauersed or denyed be the partye playntyfe demaundant or auouant or by the partie tenaunt or defendant, he and his heyres shal fromhensforth be vtterly barred for euer of euery ꝑ sayd writtes, actions, auowties conisounce prescription, tytle, & claime herafter to be sued or made for the same landes or other the premisses, for which such action writ auowry, conisaūce, tytle or claime hereafter shalbe sued or made.

Prouyded, that all persons whiche nowe haue any of ꝑ sayd actions, writtes, auowties Scire facias, conisaunce, prescription, tytle, or clayme dependynge, or that herafter shal sewe or bringe any of the sayd writtes, or actions, or make any of ꝑ sayd auowtyes, conysaūces,

prescription, tytles, or clayme at any tyme before the feast of ꝑ Assēption of our Lorde which shalbe in the yere of our Lorde a thousāde fyue hundreth forty and syxe, shal allege the seasō of their auncestours or predecessours, or their owne possession & seasō, & also haue all other lyke auauntages in the same writtes, actions, auowries, confessiōns, prescriptiōs, & clayms as they myght haue had before the makyng of this statute. Prouyded also, that yf any person be now within the age of .xxi. yeres, or couerte baron, or in prison, or out of this realme, nowe haunyge cause to bryng any of the sayd writtes or actions, or to make any auowries, conysaūces, prescription or clayms it shalbe lawfull to such person, to sue or bryng any of the sayde actiōs, or to make any of the sayd auowryes, conisaūces, titles or clayms at any tyme within syxe yeres next after such person nowe beynge within age, shal accomplysshe the age of xxi. yeres, or nowe beinge couerte baron, shalbe sole, or now beinge in prison, shalbe at their lybertye, or now beyng out of this realme, shall come & be within this realme. And that euery such persones in their sayd actyons auowries conisances tytles or clayms to be made sued or cōmenced with in the sayde syxe yeres, shal alledge the seasō of their auncestours or predecessours, or of their owne possession, or of the possession of those whose estate they shall them clayme. And also within the same syxe yeres shall haue lyke aduaūtage in the same, as they myght haue had before ꝑ making of this acte. Prouided also, that if the sayd ꝑsons nowe beynge within age, or couert baron, in prison or

out

Whether this statut shall take effecte.

out of this realme, do dye within age, or beinge
coutrt, or in prison, or out of this realme or de-
ceale within vi. yeres next after they shall accō
plyshe they⁊ full age, or shalbe at large within
this realme, or shall become sole, & no determi-
nation or iugement had of suche tytle, actions
or ryghtes so to them accrewed, then the nexte
heyre of suche persones shall enioye lyke quall
tage to sue demaunde aduowe declare or make
they⁊ sayd tytles, claymes or prescriptions wi-
in syre yeres nexte after the death of suche per-
sones, as the same infaunt after his full age,
or the sayd women coutrt after the death of
her husbande, or the same persone beynge oute
of this realme after his ceasyre or commynge
into the same, or the sayde persone imprysoned
after his enlargemente and commynge out of
prysone, myght haue hadde within vi. yeres
then nexte ensewynge by force of the provision
lafte before reherfed.

¶ Prouided also, that yf any persones before
the sayde feast of the Ascension tne any of the
sayde actions or make any auowrye tytle or
clayme, and the same happen by the death of
any ꝑ parties therunto, to be abated before iu-
gement or determination therof had then the
sayd persons beinge demaunde suites, or auow-
ryes, or makynge any suche conueyance, pre-
scription, tytle, or clayme beinge then on lyue,
and yf not then they⁊ nexte heyres, maye con-
tinewe they⁊ action and make they⁊ auow-
rye conueyance or claime vpon the same mater
within one yere nexte after such suite abated, &
shall haue lyke aduauntage to sue demaunde a
nowe declare or make they⁊ sayd tytle clayme

or prescriptions within the sayde one yere, as the demaundauntes in such writ or sute abated, or as such as shold answere or make constance, title claime or prescription, myght haue enioyed in the sayde former action or sute.

¶ Prouyded further more, that yf any false verdit hereafter be geuen in any of the sayde actions, sutes, auowryes, prescriptions, titles, or claymes the the party greued may haue his attaynt vpon euery such verdit, & ye plaintyffe in the same attaynt vpon iudgement for hym geuen shall haue lyke reconterye, execution and other aduantage as heretofore hath bene vsed.

Attaynt vpō false verdit.

¶ Of fynes.

FYnes haue theyr name, bycause they make a fynal ende and determinatiō of all sutes, stryfes and debates betwene mē. For the due leuying whereof, it was enacted in the .xxxi. yere of kynge Henry the viii. that they must be solemnly before the iustices of the cōmon place rede & proclaimed the same terme and the termes next folowynge the ingrossement, at which fynes al the pleas must cease. And suche fynes shalbe a fulfycyent barre and discharge agaynst al pleas, sauynge women ye be couert barō if such women be nat present to ye same fine, or such as be within age, if prīō out of the realme, or out of theyr right mynde. But these fines shal nat conclude ne bar al straūgers which haue right to clayme or to haue action, yf they come within .v. yeres after such proclamations

the

made or (in case the cause of action falleth vnto thē after the fyne so duely leuyed) pf they come and commence theyr action and sute within .v. yeres next after such cause of action to them accrued. And they may sue agaynst the takers of the profytes But pf they that haue ryght therto be within age, in pryson couert baron, out of the realme or nat in their ryght memory then theyr title or entre shalbe saued vnto the tyme they be of ful age, out of pryson discouered and sole within the realme or of ryght mynde, and then within fyue yeres after theyr action or entrye must be sued or made with effects.

¶ Also by the sayd statute it shalbe a good plee for all straūgers to saye, that they p were parties to the fine nor none other to theyr vse, had any thynge in the tenementes or landes at the tyme of the leuyeng of the fyne.

¶ Furthermore in p. xxxii. yeres of this kyng for thauoydynge of certayne doubtes and ambiguities, it was inacted, that all fines as well herebefore leuyed, as hereafter to be leuyed according to the sayd statute of Henry the vii. by any person of the full age of xxi yeres, of any landes or other hereditamentes beinge before the fine leuyed, in any wyse tayled vnto hī or to any of his auncestres in possession reuersion remaindre or in vse, shalbe immediatly after the same fine leuyed ingrossed & proclamations made a sufficient barre and discharge for euer of all agaynste him and his heyres clayminge the same onely by force of any such entayle as agaynst all other to theyr vse, so that the same fines be not leuyed by any woman after the deth of her husbande, contrary to p. statute

Barre.

Anno. xi. H. viii.

late made the xi yere of Henry the seuenthe of landes and tenementes of thinheritaunce or put chale of her husbāde or of any of his auncestors gyuen to hir in dower for terme of lyfe, or in taple in ble or in possession. Excepted also all fynes leuyed or to be leuyed of any such landes or hereditamentes as ye owners therof by any spetial acte of parlament made syth the laste fourth yere of Henry the vii. be restrayned fro makynge any alienations discontinuances or other alterations of the same. Also of such lādes as be now in sute and variance in any of ye kynges courtes, or wherof any euydences be nowe in demaūde in the chaūcery, or whiche be all redy recouered. Excepted also fines leuyed or to be leuyed by any person, of landes or tenementes graūted to him or to his auncestours in tayle eyther by the kynges letters patentes or by vertue of any acte of parlament, wherof ye reuersion is in the kynge. And confirmed in the fyrst yere of Henry the viii.

Diuision

¶ Of testamentes or last wylles.

Testamentum in latyn is as much to saye as mentis testatio, that is a declaration or witnessynge of a mans mynde. And there be two sortes of testamentes. The one is called testamentum scriptum, that is a wrytten testamente, or a laste wyll by wrytynge, and the other is called testamentum nuncupatiuum a testament nūcupatyue, whiche is lyke a mans dede expresse by mouth his last wyll and testamēt without wrytynge, by callynge to hym his frendes of his neyghbours in whose

Wrytten testamēt.

Testamēt nūcupatiue.

presence

presence he dothe signifie by wordes his laste mynde and wyll. And this for most part me vse to do when for feare of sodennes of dethe, they dare nat abyde the wrytynge of theyr wyll. And this wyll (onlesse it be in certayne cases) is as stronge and as sure, as is a testament or laste wyll put in wrytynge and sealed with the seale of the testatour.

¶ Also though a testament by wrytyng be nat sealed with the seale of the testatour, yet is the testament good and effectuall in the lawe.

¶ And ye shall also marke, that where a man maketh ones his testament and wyll and after warde maketh another wyll by wordes yᵗ his last wyll be payd before þ Ordynary & by him put in wrytynge and inselled with his seale, such last wyll shall auoyde þ fyrst wyll, onles it be in special cases, and so alway the latter wyll and testament shall auoyde the former.

☞ Fynally by an acte made the .xxi. yere of Kynge Henry the eyght, it was ordeyned that where part of therecutours named in the testamente wherin any landes or tenemētes be wylled to be solde by them, refuseth to take vpon thē the administracion, and the residue do take the charge and administracion vpon them, in this case all bargaynes and sales in the sayde landes made onely by those executors þ take the administracion of the testamente vpon them, shalbe as good and effectuall, as yᵗ al the residue of the executours so refusynge had ioyned in the makynge of the bargayne and sale.

Executours.

¶ The difference betwene executours and administratours.

Executours is when a man maketh his testament & last wyll and therin nameth the person whiche shall execute his testament, then he that is so named is his executour. & such an executour shall haue an accion agaynst euery dettour of his testatour. And if ꝑ executoures haue affetes that is to say sufficiēt in theyr handes then shal euery one to whom ꝑ testatour was in det haue an action agaynste the executour yf he haue an obligation or especialty to shewe. But in euery case where the testatour myght wage his lawe, there no action lyeth agaynst the executour.

Affetes i the handes of executours.

Administratour.

¶ Administratour is he, to whō the ordinary cōmytteth the administration & bestowyng of the goodes of a ded man for defaulte of an executour. And actions shall lye agaynste him and for him as for an executour, & he shall be chaged to the value of ꝑ goodes of the ded and no further, if it be nat by his false plee, or for that he hath wasted the goodes of the ded. But yf the administratours dye his executours be nat administratours, but it behoueth ꝑ ordinary to cōmyt a newe administration. Howbeit yf a straunger I meane him that is neyther executour named in the testament and last wyll nor yet administratour appoynted by the ordinary wyll take the goodes of the ded and ministre of his owne hed and wynde without lawfull auctoritie, this person shall be charged & sued as an executour, and nat as administratour in an action whiche is brought agaynst hi by any creditour. But yf the ordinary make a letre

Executour of his owne wronge.

ad collegendū bona de fructi, he that hath such a letter is nat administratour, but the action lyeth in this cale agaynst the ordinary, as well as if he take the goodes by his owne hande, or by the hande of any other his seruaunt by any other commaundement

A lettre ad colligendū.

¶ An acte for probate of testamētes made. An. xxi. H. viii.

NOthynge shall be take by any hauynge auctoritie to take probaton inslmuation or approbation of any testament wher the goodes of the testatour do nat amount aboue the value of C.s. except to the scribe for wrytynge therof. vi.d. And for the cōmission of ministration of the goodes of any dyeng intestate nat being lykewyse aboue. C. s. vi.d. Also none hauynge power to take probate of testamētes shall refuse to approue testamētes beinge lawfully offred vnto them in wrytynge with wax theere affixed redy to be sealed, so that they be lawfully proued before the same ordynary to be true. And when the goodes of the testatour do amount aboue an. C.s. and nat excede. xl. li. none shall take for the probation regestrynge sealynge and wrytynge of any suche testament aboue. iii. s. iii. d. wherof to be to the that haue auctoritie to take the probation. ii. s. vi. d. and the other. xii. d. to the scribe for regestrynge.

¶ And where the goodes amount aboue. xl. li. than onely. v. s. to be take, wherof to be to the that haue auctoritie to take the probation. ii. s. and. vi. d. and thother. ii. s. vi. d. to the scribe

for

for the registrynge, or els yf he refuse that .li.s. vi.ð. thē he to haue for euery .x. lines euery lyne contaynynge in length .x. ynches .i. ð.

¶ And they that haue auctorytie as is aboue sayde shall approue insinuate seale and register the tenementes and delyuer them sealed wᵗ the seale of theyr offyce to the executours for the sume aboue sayd and þ with conuenient spede without any frustratory delay.

¶ And yf any person dye intestate or the executours refuse to proue the testament, than they hauyng auctorytie as is aboue sayde, shal graūt thadministration of the goodes to the wydowe of the persone deceased or to the next of kynne or to both after theyr discretion, takynge suretye of thē for true administration of þ goodes and dettes, which they shall be so auctorised to minister. And where one or dyuers clayme thadministration as nerte of kyn which be egall in degre of kynred, or where any one pson refuseth þ administration as next of kyn wherin dede diuers persones be in equalytie of kynred, then in any suche case the ordinary shalbe at libertie to take one or mo makynge request. And where diuers require the administration, or where but one or two of them & nat al beyng in lyke degre, make request than the ordynary shal admyt the wydowe and him or them onely makynge request or any of them, takynge nothynge for the same where the person deceased dyed nat worth .C.s. And yf he dyed worth .C. s. and nat aboue .xl.li. than ti.s.vi.ð. onely to be taken. And thexecutour or administratour callynge to him the tuchors two at the least or such persons to whom any legacye was made

Suretye

and

and yf they refuse than .ii. nexte of kyn to ỹ per
sone deceased and in their defautes .ii. other ho
nest persons shall by theyr discretions make a
true inuentorie indented of all the goodes,
whiche persons swerynge before the bysshop or
his officers to be true, shall delyuer ỹ one part
therof vnto thẽ, & ỹ other kepe with him selfe
And none hauinge auctoryte to take probate
of testamentes vpon payne contayned in thys
statute shall refuse to take any suche inuentory
presented or extended to them.

Inuento
rye of
goodes.

☞ Prouyded, yf any person shal dispose or
wyll by his testament any landes or hereditae
mentes to be solde, that the money or profytes
of the same be accompted for goodes or catels.
And they hauynge the auctoritie aboue sayde
vpon the delyuery of the seale and signe of the
testatour shall cause ỹ same to be delaced and
incontinent shall redelyuer it to ỹ executor Wi
out any clayme, and yf any requyre a copy of ỹ
testament and inuentory, thã they hauynge auc
toryte or theyr ministers, shall without delaye
deliuer thẽ a copy takynge therfore and for the
regestrynge of the same as before or els for e
uery ten lynes. i. ỗ

¶ Prouyded, that where they hauynge aucto
ritie as is aboueseyde haue vsed to take lesse
for ỹ probate of testamentes or other thynges
concernynge ỹ same thã is here specified, they
shall take as they dyd before this acte.

¶ Nowe yf any that haue auctoryte to take
probate of testamẽtes or theyr ministers do at
tempte agaynste this acte, they shall forfete for
euery tyme to the party greued as much mony
as they shal take cõtrary to this acte. And ouer
that

that .x. li. the one halfe to the kyng the other to the party greued, that wyll sue by action of det bylle information or otherwyse in any of ỹ kyngs courtes, wherin no essoyne protection nor wager of law shalbe alowed. And euery of thē shalbe charged for hym selfe & for none other.

¶ Prouyded, that euery one hauynge auctoryte aboue sayd, may cal before thē euery person named executour, to the intēt to proue and refuse the testament and to bryngе in inuentaries and to do euery other thynge concernynge the same, as they might before this acte, so ỹ neyther they nor theyr ministers shall take aboue the fees limited by this acte.

¶ Howe landes and tenementes maye be by testamēt or otherwyse disposed inacted. An. xxxii. H. viii.

EVery person hauynge landes or other hereditamentes holden in socage, or of the nature, and nat hauynge any landes or hereditamentes holden of the kynge by knyghtes seruices, or socage tenure in chiefe, or of the nature of socage tenure i chiefe, nor yet of any other plone by knyghtes seruyce: may gyue, dispose, and deuyse, as wel by testament in wrytynge, as otherwyse by any acte lawfully executed in his lyfe, all his sayde landes or hereditamentes or any of them.

¶ And euery person hauynge landes or other hereditamentes holden of the kynge in socage or of the nature of socage tenure in chiefe, and hauynge also any other landes or hereditamentes holden of any other persone in socage or of

the

the nature of socage tenure, and nat haupnge any hereditamētes holden of ꝑ kynge or of any other by knyghtes serupce may from the sayde tyme gyue and deuyse alwell by testamente in wrytig, as otherwyse by any acte lawfully executed in his lyfe, all and euery of them at hys pleasure. Haupnge to the kynge all his ryght of primer seasen and reliefes, and also al other ryghtes and duryes for tenures in socage or of the nature of socage tenure in chiefe, as hertofore hath bene accustomed, the same to be take and sued out of the kynges handes by ꝑ pfone to whom any such landes shalbe disposed or deuysed in lyke maner as hath bene vsed by any heyre or heyres before the makynge of this statute. And saupnge & reserupnge also fines for alienations of suche landes & hereditamentes holde of the kynge in socage or the nature of Socage tenure in chiefe, wherof shalbe any alteration of freholde or inheritaunce made by wyll or otherwyse as is afore sayde.

Primer seasen reliefes.

¶ Item all persons haupnge landes or other hereditamentes of estate of inheritance holden of the kyng in chiefe by knyghtes serupce or of the nature of knyghtes serupce in chiefe maye gyue wyl or assigne two parties of the same in thre partes to be deuyded or els as muche therof as shall amoūt to the yerly value of two partes of the same in thre partes to be deuyded in certaynty and by special diuisiōs as it may be knowē i seueralte, for ꝑ auāsemēt of his wyfe ꝑferrmēt of his childre, & paymēt of his dett, or otherwyse at his pleasure. Hauig to thē kynge alwell the wardeshyp and primer seasen of as much as shal amoūt to the clere yerly value of

the

the thyrde part therof without diminution dower fraude couein charge or abridgement therof, as also all fines for alienations of all suche landes holden of him by knyghtes seruyce in chiefe wherof shall be any alteracion of freholde or of inheritaūce made by wyl or otherwise ☞ And euery person hauynge landes or tenementes of estate of inheritaunce holden of the kynge in chiefe by knyghtes seruice, and other landes holden of him or of any other by knyghtes seruyce or otherwyse maye gyue or assigne by his testament or otherwyse as is aforesayde two partes therof in thre partes to be deuyded or els as much therof as shal extende to ꝑ yerly value of two partes or be deuided in centaynty. Hauynge to the kynge as well the wardeshyppe and primer season of as much, as shal amount to the yerly value of the thyrde parte, without diminution. &c. As also all fynes for alienations as is aboue sayde.

Fine for alienations.

¶ Item euery persone holdynge landes or tenemētes only of any other than of the kyng by knyghtes seruyce and other lāde and tenemētes in socage or of the nature of socage tenure maye gyue dispose or assure by testamente or otherwyse two partes therof holden by knyghtes seruyce or as much as shall amount to the full yerly value of two partes. And also all ꝑ lāde and tenemēntes holden by socage or of the nature of socage tenure at his pleasure. Hauyng to the lorde of the landes and tenementes holden by knyghtes seruyce for his wardeshyp as much therof as shall amoūt to ꝑ clere yerly value of the thyrde part without diminution. &c.

¶ And euery ꝑson holdynge onely of ꝑ kynge

by

by knyghtes seruyce but nat in chiefe, or holdynge of the kynge by knyghtes seruyce, and nat in chiefe, and also other hereditamentes of o-thers by knyghtes seruyce, and holdynge also others hereditamentes of any other persone in Socage or of the nature of Socage tenure, may gyue and assure by his laste wyll or otherwyse two partes of ꝑ is holde of ꝑ kynge by knyghtes seruyce and two partes of that is holden of any other person by knyghtes seruyce, or as much of eyther of them as shall amount to the full yerely value of two partes and also all his londes and tenementes so holden in Socage or of the nature of Socage tenure. Sauynge as well to the kyng the wardeshyp of as much as shal extende to the clere yerely value of ꝑ thyrd part of the same so holden of him by knyghtes seruyce without diminution. &c. Also to the lordes of whome any of the sayde landes bene holden by knyghtes seruyce for wardeshyp as much of ꝑ same as shall amount to ꝑ clere yerly value of ꝑ thyrde part in maner aboue reciared. And yf that thyrde part which in any of the cases aboue sayd shal come to the kynge in nat amount to the clere yerely value of the full. iii. part of al the sayd hereditamentes wherof the kynge shalbe entytled to haue ꝑ custody or pry-mer seasone: than the kynge maye take into his handes as much of thother two parties of the sayde hereditamẽtes as with that of the same hereditamentes remaynyng in his handes shal make vp the clere yerely value of ꝑ thyrde par-therof so to be had to him in tytle of wardeshyp and prymer seasone. And lyke benefyte to be gyuen to euery lorde of whome any suche

herediament shall be holden by knyghtes seruyce contrarynge only his thyrde part for tytle of wardeshyp.

¶ Also al gōs shal sue their lybertes for pol cessions reuersions or remaynders, & also pay reliefes and heriettes lyke as they shulde haue done before ꝓ makyng therof. And fynes for alienaciōs shalbe payde in ꝓ chaūcery vpō writtes of entre in the post to be obtayned there for cōmon recouerye to be suffered of any landes holden of the kynge in chiefe in lyke maner as is vsed vpon alienations of landes to holde in chiefe by fyne or feoffement.

¶ Prouyded ꝓ in such cases where fynes for alienaciōs shalbe payde in ꝓ chaūcery for writtes of entre in the post as is aforesayde none other fine shalbe payde there for any such writte.

¶ Item where .ii. or more persons holde of the kynge by knyghtes seruyce iointly to the and to the heyres of one of them, & he that hath the inherytaunce therof dyeth, his heyre beynge vnder age, the kynge shall haue the warde and maryage of the body of suche heyre the lyke of the freholder or freholders of the landes so holden by knyghtes seruice notwithstandynge.

¶ Sauynge to all women such ryght & tytle of dower as they owe to haue of any landes or tenementes to be assigned vnto the out of ꝓ two partes of the sayd landes or tenementes seuered from the thyrde part as is above sayde and nat otherwyse. And sauynge also to the kynge the reuersions of all such tenementes in ioynture and dower immedyatly after the deth of suche tenauntes, yf they shall happen to dye, duryng the none age of the kynges wardes.

Of

¶ Of maryages, inacted. An. 32. H. 8.

It is inacted, that frō the fyrst day of July in the yere of our Lorde a thousande fyue hundreth and foxty, all maryages within this churche of Englande contracted betwene lawfull psons, as by this acte we declare al persons to be lawfull þ be nat prohibited by Godes lawe to mary, suche mariages beinge contracte & solēpnysed in the face of the church & cōsummate with bodely knowlege or frute of chyldrē or chylde beynge had therin betwene þ partyes so maryed shalbe demed & taken to be lawfull, good & indissoluble, natwithstādynge any precontracte of matrymonye nat consummate with bodely knowledge eyther of the persons so maryed or both shal haue made vnto any other before the tyme of contractynge þ maryage which is solempnised and consummate or wher of such sute is ensued or may ensue as afore: and natwithstandynge any dyspensacyon prescription, lawe or other thynge graunted or confirmed by acte or otherwyse. And that no reseruacion or phibition, Goddes lawe except shall trouble or impeche any mariage without leuyticall degrees. And that no person shal after the sayde fyrst day of July aforesayd, be admytted to any of the spirituall courtes within this the kynges realme, or any his other lādes and dominions, to any procesle, plee or allegacion, cōtrarye to this acte.

¶ Finis.

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¶ Finis Tabule.
W S.

Imprynted at

Lõdon in fleteſtrete at the ſygne of the Geoꝛge next to ſaynt Dunſtones churche by Wyllyam Myddylton. In the yere of our Loꝛde god. M. D. xlv. The. xxi. day of Auguſte.

✠

☞ CVM PRIVILEGIO AD IMPRIMENDVM SOLVM. ☜